

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MURASHEA "MIKE" BOVELL,

Plaintiff,

-against-

Civil Action No:
7:15-CV-08594-CS

CITY OF MOUNT VERNON, NEW YORK,
COMMISSIONER TERRANCE RAYNOR,
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY, DEPUTY COMMISSIONER
RICHARD BURKE, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITY, CAPTAIN
MICHAEL GOLDMAN, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY,
SERGEANT ROBERT WUTTKE, AND
LIEUTENANT PAUL NAWROCKI, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY,

Defendants.

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HELD AT: Office of Corporation Counsel
2 Roosevelt Square
Mount Vernon, New York 10550
October 21, 2016
10:00 a.m.

Examination before Trial of the
Plaintiff, MURASHEA BOVELL, pursuant to
Court Order, held at the above time and
place before a Notary Public of the State of
New York.

J & L REPORTING SERVICE
of Westchester, Inc.
50 Main Street, Suite 1000
White Plains, New York 10606
(914) 682-1888
Lisa Dobbo, Reporter

A P P E A R A N C E S:

THE BELLANTONI LAW FIRM, PLLC
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BY: PAUL J. SWEENEY, ESQUIRE

A L S O P R E S E N T:

Lieutenant Marcel J. Olifiers
Alec Francis

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties herein, that the sealing and filing of the within deposition be waived; that such deposition may be signed and sworn to before any officer authorized to administer an oath, with the same force and effect as if signed and sworn to before the officer before whom said deposition is taken.

IT IS FURTHER STIPULATED AND AGREED, that all objections, except as to form, are reserved to the time of trial.

M. BOVELL

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MURASHEA BOVELL, stating his
business address as 1 Roosevelt
Square, Mount Vernon, New York
10550, having been duly sworn
by Notary Public, Lisa Dobbo,
testified as follows:

MR. SWEENEY: Let's mark these.

(Whereupon, Defendant's Exhibit
A, Code of Conduct, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
B, MV-5 Officers Report, was marked
for Identification.)

(Whereupon, Defendant's Exhibit
C, MV-5 Officers Report, was marked
for Identification.)

(Whereupon, Defendant's Exhibit
D, Letter 1-9-13, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
E, MV-5 Officers Report, was marked
for Identification.)

(Whereupon, Defendant's Exhibit
F, Email 3-31-14, was marked for

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Identification.)

(Whereupon, Defendant's Exhibit G, MV-5 Officers Report, was marked for Identification.)

(Whereupon, Defendant's Exhibit H, Harassment Complaint 5-6-14, was marked for Identification.)

(Whereupon, Defendant's Exhibit I, Confidential Harassment Complaint Form, was marked for Identification.)

(Whereupon, Defendant's Exhibit J, Personnel Performance Evaluation, was marked for Identification.)

(Whereupon, Defendant's Exhibit K, Harassment Complaint 5-6-14, was marked for Identification.)

(Whereupon, Defendant's Exhibit L, MV-5 Officers Report, was marked for Identification.)

(Whereupon, Defendant's Exhibit M, Text, was marked for Identification.)

(Whereupon, Defendant's Exhibit N, Charge of Discrimination, was

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marked for Identification.)

(Whereupon, Defendant's Exhibit
O, Discrimination Complaint 1-15-15,
was marked for Identification.)

(Whereupon, Defendant's Exhibit
P, Handwritten Note, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
Q, Letter 8-12-15, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
R, Walmart Receipt, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
S, Computer Screen Shot, was marked
for Identification.)

(Whereupon, Defendant's Exhibit
T, Photocopy of photograph, was
marked for Identification.)

EXAMINATION BY MR. SWEENEY:

Q. Please state your full name for
the record.

A. Murashea Bovell.

Q. Please state your business

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address for the record.

A. 2 Roosevelt Square, Mount
Vernon, New York 10550.

Q. Officer Bovell. I'm Paul
Sweeney. I'm with the law firm of Coughlin
& Gerhart. We represent the City of Mount
Vernon, Captain Goldman, Sergeant Wuttke and
Lieutenant Nawrocki in a certain lawsuit
that you brought against those defendants.

I'm going to ask you a series of
questions understood oath. If, at any time,
you don't understand my question, I'd be
happy to rephrase it, ask it again, slow
down or whatever. For our purposes, if you
answer the question the way I asked it, I'm
going to assume that you understood the
question; is that a fair assumption?

THE WITNESS: Repeat that
again, please.

Q. If you answer the question the
way I ask it, I'm going to assume that you
understood the question; is that --

THE WITNESS: I don't
understand that, no.

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Q. I'm going to ask you questions.

A. Okay.

Q. I'm giving you an opportunity to tell me that you don't understand my question or you want me to rephrase my question or whatever.

A. Okay.

Q. If you do that, I will certainly do my best to rephrase the question so you can understand it.

A. Okay.

Q. The second point of that would be if you answer the question the way I ask it, is it a fair assumption that you understood the question?

A. If I don't understand the question, I'll say that.

Q. Your attorney is seated besides you. One of the rules that we work under is if you need to speak with her, you can certainly do so but after you answer the question. In other words, you can't confer before -- if a question is posed, you can't take a break and consult with your attorney.

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THE WITNESS: If the question is ambiguous, I can't turn to my attorney for clarity?

Q. Well, if the question's ambiguous, I'm sure your attorney will object to the form of --

MR. SWEENEY: Actually, let's go off the record.

(Whereupon, a discussion was held off the record.)

Q. If I ask you a question, your attorney may or may not make an objection.

THE WITNESS: Okay, but she has the opportunity to object?

Q. Yes, but in terms of taking a break, the normal rule is you can consult with your attorney after you've answered the question.

A. Okay.

Q. I think the court reporter already reminded you about keeping your voice up because she's taking down everything you're saying and we got some difficult sound conditions in this room to

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work with.

A. I'm not feeling too well so
I'll try my best.

Q. If you need to take a break,
you can certainly do that at anytime you
need to.

Are you on any medications today that
would inhibit your ability to testify?

A. Medications right now, no. I
took Advil earlier, but no.

Q. Is that over-the-counter Advil?

A. That's over-the-counter Advil.

Q. Are you well enough to
continue?

A. Right now I am.

Q. What is your date of birth,
Officer Bovell?

A. My date of birth is [REDACTED] [REDACTED]
[REDACTED]

Q. Without giving me any street
address, in your Complaint it's listed that
you live in the north or northern counties.

What county do you live in?

A. Dutchess County.

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Q. In the Complaint it lists that
you were born originally in the Caribbean.

What country were you born in?

A. Jamaica.

Q. Are you currently married or
single?

A. I'm married.

Q. What is your wife's name?

THE WITNESS: Is that
necessary?

MR. SWEENEY: I think it's a
fair question.

A. It's Duvania, D-U-V-A-N-I-A
Bovell.

Q. Without getting into the names
of any children, do you have children of the
marriage?

A. Yes.

Q. What ages and sexes are they?

A. We have a beautiful son. His
age is eight.

Q. Anyone else besides your son?

A. No.

Q. Any other children of any other

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prior relationship?

A. No.

Q. Is your wife employed outside
of the home?

THE WITNESS: Right now?

MR. SWEENEY: Yes.

A. Yes.

Q. What type of employment or
capacity is she employed?

THE WITNESS: I don't
understand.

Q. Does she have a job someplace?

A. Yes.

Q. What type of job does she have?

A. I don't know the details of her
job but she does administrative work.

Q. Administrative work?

A. Yes.

Q. Have you ever testified in a
proceeding before today?

THE WITNESS: As a police
officer or --

MR. SWEENEY: Well, let me ask
it both ways; perhaps as a police

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officer in a criminal context.

A. Yes, that's part of my duties.

Q. I assume from time to time you testified in various prosecutions or before the Grand Jury, for example?

A. Have I testified in front of a Grand Jury, yes, I have.

Q. As part of criminal court trials?

A. As part of my job, yes.

Q. Taking out the criminal testimony that you may have provided or testimony in a criminal matter, have you testified before in a civil lawsuit?

THE WITNESS: Civil lawsuit?

MR. SWEENEY: Like this one.

THE WITNESS: As far as capacity as a police officer?

MR. SWEENEY: In any capacity as either a plaintiff or a defendant.

A. Yes, capacity as a police officer I have.

Q. What type of lawsuit or what was that lawsuit about?

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A. I don't remember details.

Q. Was the city a defendant in that lawsuit?

A. I believe so, yes.

Q. And you were testifying as a witness?

A. I'm not sure if I was a witness or not. I'm not sure what position I was. I don't remember.

Q. How long ago was that testimony?

A. This was I believe in 2014 before I got injured on September of 2014, yes.

Q. Do you know the name of the person that brought the lawsuit, the plaintiff?

A. I don't remember. I don't remember.

Q. Was it a male or female?

A. I know it was a male.

Q. Besides that one testimony maybe 2014 that you can't remember, have you testified in any other civil lawsuit?

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A. Civil, I don't remember right now. I don't remember.

Q. Is there anything that would refresh your memory as to if you did testify?

A. If there is perhaps some documentation but I don't remember other than that particular, I don't remember any civil lawsuits.

Q. Do you know if that case that you referenced in 2014, do you know if that was settled or that went to a jury trial?

A. I believe it was settled.

Q. Was that settled recently or in 2014?

A. It was settled when I was out injured.

Q. When you were out injured?

A. I believe so, yes.

Q. So, sometime during the last two years?

A. Between 2014 and now.

Q. Have you ever, and I don't mean criminal proceedings, but in terms of a

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civil proceeding like your lawsuit, have you ever been a party, meaning a plaintiff or a defendant in any other civil lawsuit?

A. Not that I remember or aware of.

Q. Could you briefly tell me about your educational background?

THE WITNESS: As far as what exactly?

Q. Did you go to high school or the equivalent?

A. Oh, yeah, I went to high school and to college.

Q. Where did you attend high school?

A. I went to high school in Kingston, Jamaica.

Q. What year did you graduate?

A. I don't remember.

Q. I think you mentioned you may have gone to college after that?

A. Yes, I went to college.

Q. What college did you attend?

A. I went to Bronx Community

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College and Mercy College.

Q. Did you receive any degrees from those schools?

A. Yes.

Q. What degrees have you received?

A. I received an associates from Bronx Community College and a bachelors from Mercy College.

Q. What specialization or concentration was the associates in?

A. Computer programming, commuter science.

Q. How about the degree from Mercy, was that the same specialization?

A. That was information of technology, yes.

Q. Information of technology. When did you graduate from Mercy?

A. I believe 2015.

Q. Was that while you were out on 207?

A. Yes, because between 2014, 2015.

Q. When did you start attending

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Mercy, what year was that?

A. I don't remember; approximately 2012, 2011, approximately.

Q. From 2012 to 2014 mid year, I think you were working as a police officer for Mount Vernon?

A. Yes.

Q. So, you would attend school after work?

A. No, I did it part-time. It varies but mostly on line.

Q. A lot of it on line?

A. Most of it on line but whenever I could make it to classes, a class that I felt was going to be difficult I would try to make it on campus.

Q. As I understand it, you started employment here with Mount Vernon Police on or about June 30th, 1997; does that sound right?

THE WITNESS: Pardon me?

Q. Did you start working here June 30th, 1997?

THE WITNESS: At Mount Vernon

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Police Department?

MR. SWEENEY: Yes.

A. No.

Q. When did you start working?

A. Around 2007.

Q. Did you work anyplace else
before working for Mount Vernon in 2007?

A. Yes.

Q. Where else did you work at?

A. I worked for BOCES and also I
worked for AT&T Cingular Wireless and I
worked for RD Weis, a flooring company in
Port Chester as accounts payable.

Q. The first job that you held,
was that with BOCES?

THE WITNESS: First job I held?

MR. SWEENEY: Let me rephrase
the question.

Q. You graduate from high school
in Jamaica. At some point in time you came
to the states from Jamaica; is that right?

A. Yes.

Q. The first job that you had here
in the states was with whom?

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A. With Caldors. I worked at
Caldors.

Q. Caldors is a store?

A. Yes, it's a store that used to
be located in Pelham.

Q. What did you do for Caldors?

A. I was doing sales, I believe.
I --

MR. SWEENEY: I'm sorry.

A. I worked in the electronics
department. I did various types -- cashier,
sales in the automotive department, stuff
like that.

Q. After Caldors, did you work for
somebody else?

A. Yes, yes, I did. I don't
remember who -- oh, actually, it just came
to mind. I worked for a group home.

Q. A group home?

A. Yes, dietary. I worked in the
kitchen.

Q. Where was that group home
located?

A. In New Rochelle.

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Q. After that group home, did you work with someone else?

A. Yes, I did.

THE WITNESS: Let me see if I can remember.

A. I worked for, I believe Home Depot -- actually, I'm sorry. I worked for a rebate processing company, something along the line in New Rochelle. I believe it's called TCA. They process rebates and then I believe Home Depot came along the line. I worked overnight stocking.

Q. After Home Depot?

A. I believe after Home Depot it was RD Weis, the flooring company I spoke to you about in Port Chester.

Q. Then after RD Weis?

A. I believe I worked for AT&T.

Q. What did you do for AT&T?

A. I forgot my title. I was an ANS, advanced network associate.

Q. More technology than sales?

A. That was trouble shooting, people would have PDA devices; smart phones

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2 or laptops. They would call for trouble
3 shooting so they would call and I'd walk
4 them through the process of resolving the
5 issue. Some of these customers were
6 contractor of businesses or individual
7 customers.

8 Q. After AT&T, is that BOCES?

9 A. After AT&T, I believe it was
10 BOCES.

11 Q. Where was the BOCES located?

12 A. In Westchester; Valhalla, I
13 believe. They have offices in Valhalla,
14 Lower Hudson Regional Information Center.
15 They work with BOCES where we were
16 responsible for the IT solutions, the ones
17 at the school district like Byram Hills,
18 Mount Vernon, New Rochelle. We dealt with
19 the management of their networks, computer
20 networks.

21 Q. Then after BOCES it sounds like
22 you started with the police department?

23 A. After BOCES I left there to
24 become a police officer.

25 Q. Did you attend the police

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academy in the same year that you joined,
2007?

THE WITNESS: In 2007? Pardon
me, say it again.

MR. SWEENEY: I'll ask it a
different way.

Q. When did you attend the police
academy?

A. In 2007 when I joined the
police department.

Q. I'm going to go through your
Complaint in a little bit more detail but if
you can tell me what assignments you've had
at the police department from the beginning
until now, like for example, patrol division
or detective division.

A. Okay.

Q. What assignments have you had?

THE WITNESS: Are you asking me
that now?

MR. SWEENEY: After.

THE WITNESS: After I graduated
the academy?

MR. SWEENEY: Yes.

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2 A. After graduating the academy
3 after approximately five months I was
4 assigned to patrol, patrol. I worked in
5 patrol as a police officer. I worked in
6 that position for some time. While in that
7 position I worked in various community
8 units. I forgot the name of the units but
9 they would focus on, you know, community
10 relations with police officers. Prior to
11 that in a short time I was in impact unit.
12 I forgot the name of the unit but during my
13 course of probation I was in the uniform
14 impact unit.

15 Q. What do impact officers do?

16 A. Well, they focus on quality of
17 life issues, you know, as far as violation
18 of city ordinances, you know, crimes in
19 specific areas, you know, uniforms so you
20 have police presence.

21 Q. As I understand it in the
22 Complaint, you worked in that position I
23 assume from 2007 to 2010?

24 THE WITNESS: In what position
25 exactly?

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2 MR. SWEENEY: In patrol.

3 A. In patrol, yes, from 2007 until
4 to the position that I just mentioned and to
5 approximately 2010.

6 Q. Then in 2010 you went to the
7 detective division?

8 A. In 2010 -- in 2009 I was
9 actually joining that department. I was
10 asked by Sergeant Fisher at the time to join
11 the narcotics unit and now Detective
12 Antonini but I declined and then in 2000 --
13 they said I -- well, in 2010 the opportunity
14 came again and I then accepted the offer.

15 Q. So, the opportunity came again
16 sometime in 2010?

17 A. Approximately 2010, yes.

18 Q. And you accepted?

19 A. I accepted, yes.

20 Q. You were there, I think January
21 of 2011?

22 A. Approximately, I believe.

23 Q. Then you went back to patrol?

24 A. In 2010 I was there for some
25 time, for a few months, and then I went back

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to patrol.

Q. You were in patrol until
December or so of 2011?

A. From 2000 -- towards the end of
2011, approximately, yes.

Q. What assignments did you have
in patrol when you went back during the 2011
time?

A. 2011, I don't remember but I
was in patrol. I don't remember.

Q. Did you have any field training
officer responsibilities at that time?

THE WITNESS: In 2000 --

MR. SWEENEY: '11.

A. 2011, I don't remember. I
don't remember 2011. I know I had -- I was
certified in field training officers at some
point in my patrol career but I don't
remember when exactly.

Q. There came a point where you
were again assigned going back to the
detective division?

A. Yes, an opportunity arised and
they made me an offer to go back to the

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narcotics division and I did.

Q. And that was at the end of
2011?

A. Approximately.

Q. Until sometime in 2013 or '14?

THE WITNESS: Until?

MR. SWEENEY: Yes.

THE WITNESS: Was I accepted
back -- when I went back --

Q. How long did you serve in the
detective division the second time around?

A. Second time, approximately 24
months.

Q. Do you know when you left the
detective division the second time?

THE WITNESS: When I left the
second -- what --

Q. When did your assignment in the
detective division end?

A. After I accepted in 2011,
approximately 2011 I was continuous until
the end of 2013.

Q. Then you went back to patrol
after that?

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A. Yes, I requested to go back to patrol.

Q. You served in patrol from sometime the end of 2013 or so until you got injured?

A. I served in patrol -- I requested out of narcotics towards the end of 2013, approximately. I was reassigned in 2014, January of 2014 back to patrol and in September 2014 I injured my -- I slipped and injured my right knee while effecting an arrest.

Q. That was in July of 2014?
THE WITNESS: Of what exactly?

Q. When did you get injured?

A. Oh, in September of 2014, approximately.

Q. You've remained out of work on a 207-c status since that time?

A. I've been out on on-duty injury since September of 2014.

Q. Is there a difference between on-duty injury and 207-c?

MS. BELLANTONI: Object to the

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form. You can answer if you understand.

MR. SWEENEY: If you know.

Q. Is there a difference between on-duty injury and 207-c?

A. I don't know.

Q. When you went to the detective bureau for the first time in 2010, who was your immediate sergeant that you reported to at that time?

A. I don't remember the first one. In 2010 the first one -- we've had a few of them.

Q. What sergeants do you remember reporting to in 2010, 2011 timeframe in the detective bureau?

THE WITNESS: Before Sergeant Fegan?

Q. This is your first time.

A. First time sergeants that I've experienced --

Q. In the detective bureau.

A. Before Sergeant Fegan, Sergeant McHeaton, Sergeant Stefano and Sergeant

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Mitchell.

Q. As I understand it Sergeant McHeaton is an African-American officer?

A. Yes.

Q. Sergeant Stefano is a Caucasian officer?

A. Yes.

Q. And sergeant Mitchell is an African-American officer?

A. Yes.

Q. Do you remember what lieutenants were in charge of -- I think you worked in the narcotics unit in the detective bureau; is that right?

THE WITNESS: Pardon me?

Q. You worked in the narcotics unit in the detective bureau?

THE WITNESS: At what point in time?

MR. SWEENEY: I'm still talking about 2010 to 2011.

A. Yes, I worked in narcotics in the detective bureau.

Q. Did you work in any other unit

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of the detective bureau other than
narcotics?

A. No, not that I remember.

Q. Your entire tour the first time
in the detective bureau was in narcotics?

A. My first experience within the
detective bureau I was in the narcotics unit
that I remember.

Q. I asked you about the sergeants
and I'm going to ask you a similar question
about the lieutenants.

What lieutenants do you remember
being in charge of the detectives and police
officers that worked in the narcotics unit
during the 2010-2011 timeframe?

A. Lieutenants, I don't remember.
I know that Captain Adonaro was in charge at
some point. I don't remember exactly.

Q. Did you have any partners,
police officers, detective partners that
worked with you at the detective bureau
during this timeframe?

THE WITNESS: What timeframe is
that again?

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MR. SWEENEY: Again, this is

2010-2011 your first time there.

A. Oh, yes, I did.

Q. Who were the partners that you
worked with?

THE WITNESS: My immediate
partner or who were in the unit
exactly?

Q. Who was your immediate partner?

A. When I was first assigned to
the detective bureau in the narcotics unit
my partner was Detective Patterson.

Q. Did you have any other partners
during that timeframe other than Officer
Patterson?

THE WITNESS: What timeframe is
that again?

MR. SWEENEY: 2010-2011 the
first time you were there.

A. Yes, they separated us and they
-- I was -- we were separated as partners
and was assigned to -- I was partnered with
Detective Caparro.

Q. Is it Detective or Officer

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Caparro?

A. Oh, no, Detective Caparro.

Q. Detective Caparro is a
Caucasian officer.

Was it Detective Patterson or Officer
Patterson at the time?

A. At the time it was Detective
Patterson.

Q. He's African-American?

A. Yes.

Q. Any other partners other than
Patterson and Caparro?

THE WITNESS: At that time?

MR. SWEENEY: At that time.

A. That I remember, no, no.

Q. Who were the other members,
other police officers, other detectives in
that unit at that time which is 2010-2011?

A. At that time the unit consisted
of Officer Leone --

THE WITNESS: Who else that I
remember?

A. Detective Caparro, Officer
Leone and Detective Ibanez.

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Q. Were there any others?

A. Initially Detective Patterson was the only detective and then subsequently Detective Caparro was promoted. I don't remember anyone else.

Q. Detective Antonini was not part of the unit at that time?

A. At that particular time, not yet, no.

Q. Officer Leone, is that -- what race is he?

A. He's Caucasian.

Q. Is it Ibanez?

A. Ibanez, yes.

Q. Ibanez with a B or --

A. Yes, I-B.

Q. Ibanez?

A. I believe so.

Q. If you know, what racial component is Officer Ibanez?

A. I believe he's biracial. I'm not sure; Hispanic, Caucasian. I'm not sure.

Q. He might have been biracial

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either Hispanic or Caucasian?

A. Or both.

Q. But not African-American?

A. Not African-American.

Q. There came a time where you left the detective division first time and went back to patrol?

A. Yes.

Q. What was the reason for that reassignment?

A. There was an issue. Me and Patterson were partners and the other members had a problem with it. We were very productive. We were very active. The other members had a problem with it. We would have meetings, group meetings among ourselves and discuss our weaknesses and our strength and apparently we voiced our opinion -- I voiced my opinion and that became a problem. It became a problem and I was told to write an MV-5 as a result of, you know, what happened by my supervisor at the time. So I voiced my opinion and because of that the supervisors felt that I

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2 shouldn't have done that so we had a meeting
3 and they reassigned me. I brought up that
4 if I'm not -- during that meeting I said,
5 you know, if I'm not suited for the unit you
6 can reassign me, so I was reassigned. I did
7 not ask to be reassigned but they thought
8 that because I spoke against another
9 Caucasian officer that I should be
10 reassigned, so that was somewhat of a
11 punishment on their part.

12 MR. SWEENEY: This is the first
13 I'm hearing of this.

14 Q. What officer did you speak
15 against?

16 A. [REDACTED] who was
17 promoted to detective within 12 months,
18 approximately 11 months.

19 Q. In what respect or how did it
20 come up that you spoke against him?

21 A. Well, there were some issues as
22 far as -- we're a narcotics unit so a lot of
23 the things we do during the day we plan, we
24 execute, we do surveillance, we have -- we
25 target drug dealers in the community. Based

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on information, I believe we utilize CI information.

Q. CI is confidential informants?

A. Yeah, confidential informants, we do surveillance, we do, you know, drug buys with the CI's, so sometimes when we arrest individuals, suspects and during the course of some of these arrests, you know, we felt that some members of the group were lacking in the execution of these arrests, so, you know, we discussed this as a group and as far as our strength and weaknesses and there was an incident where one of the members of the unit got injured because we felt that another member wasn't keeping up their end of, you know, as far as doing their job, so I voiced my opinion and it got back to the supervisors. My supervisor wanted me to document it, so I did, and upon documenting it and speaking against just the witnesses of that particular officer, [REDACTED], they felt that they didn't like that so I was reassigned.

Q. Who was the officer that was

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injured that you believe was a result of
whatever --

A. I don't remember. I think it
was [REDACTED]

Q. Do you recall when that
incident occurred?

A. It was between that time period
that you mentioned. I don't remember
exactly when. It was an issue. I brought
it up. I did everything right. They felt
that I shouldn't be speaking, you know,
against another white officer and this is
what I get for speaking up so I was
reassigned.

Q. I'm going to show you and your
attorney what is marked as Defendant's B and
C and ask that you take a look at that.

(Handed)

A. Okay.

Q. What is Exhibit B?

A. This is an MV-5 that appears to
be written by me. It has my signature.

Q. When was that MV-5 generated by
you?

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A. The date on the MV-5 is January 21st, 2011.

Q. That's when you were working in the detective bureau for that first time?

A. From 2010, yes, from 2010, yeah.

Q. What is Exhibit C?

A. C is an MV-5 that I was directed to write by my supervisor.

Q. When was Exhibit C, the MV-5, when was that generated?

A. The date on it is January 21st, 2011.

Q. Is that the same timeframe, same date?

A. Yes, that's the same day.

Q. Why was Exhibit B, the MV-5, why was that MV-5 generated, what was the purpose?

A. We made -- I believe we made, myself and Detective Patterson made a drug arrest where the suspect swallowed the narcotics and for their safety we took him to the hospital. During that course of

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2 time, I believe Sergeant Stefano was, I
3 don't know, he was upset about some things
4 and he was a bit irate as usual and he
5 requested us to return to the office or one
6 of us to return to the office from what I
7 can recall. I guess it wasn't as
8 expeditious as he wanted so -- because I was
9 helping my partner at the time because we
10 were watching the prisoner. We wanted to
11 make sure he was okay so he instructed me to
12 write the MV-5. I said, "Why?" There was a
13 delay when he requested for me to come back
14 to the narcotics office.

15 Q. Why was Exhibit C generated,
16 what was the purpose of that report?

17 A. I believe C was when I voiced
18 my opinion pertaining to [REDACTED].
19 Sergeant Stefano was upset and he reassigned
20 me to work with [REDACTED] [REDACTED] where we
21 dismantled a partnership between me and
22 Detective Patterson so I expressed to him I
23 wanted to discuss before pertaining to
24 safety issues with [REDACTED] [REDACTED] and
25 during that time he was very irate. He's

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known to be upset all the time but he was very upset. He wanted me to write an MV-5 as to what we discussed and that's what I did.

Q. As I understand your testimony, Officer Bovell, it appears that you were partnered up with Detective Patterson, I think at that time; is that correct, January 21st, 2011 timeframe?

A. That is correct.

Q. Then it appears from Exhibit C that there was a directive that you were going to have a new partner which would have been Detective Caparro?

A. Yes.

Q. And you voiced -- is it fair to say you voiced some concern about that?

A. Prior to this and during that time, yes, we voiced what we discussed about it. He knew what was going on and this supervisor was upset.

Q. Exhibit C, the MV-5, is documenting your concern regarding being partnered up with [REDACTED] [REDACTED]?

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A. It's documenting partially conversations between me and my supervisor at the time, Sergeant Stefano, and his directives along with some of our communications.

Q. Is there another MV-5 or some other report which documents the incident that you testified about where you believe [REDACTED] [REDACTED] was responsible for [REDACTED] [REDACTED] being hurt?

A. I believe so. I don't remember exactly but I think it should be.

Q. And that MV-5 would have predated these MV-5's?

A. I'm not sure. I'm not sure but I don't remember exactly.

Q. Based on that chronology, was [REDACTED] [REDACTED] ever your partner or did you leave the narcotics unit shortly thereafter?

A. He was my partner. The supervisor said he's my partner so I have no choice.

Q. How long was he your partner

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2 for?

3 A. I guess perhaps a few days. I
4 don't remember exactly but a few days
5 because during that course of time we had a
6 meeting where we sat down with another
7 Caucasian supervisor. I believe he's
8 retired. I don't remember his name and he
9 was really upset because I voiced my
10 opinion. I remember him saying, you know,
11 I've never seen, you know, they were upset
12 that I expressed myself in a respectful
13 manner. I guess they're not used to anyone
14 giving input or feedback, so shortly after I
15 was reassigned to patrol.

16 Q. In terms of duration, it seems
17 like you were [REDACTED] [REDACTED] or [REDACTED]
18 [REDACTED] partner just for a few days before
19 you were reassigned?

20 A. Maybe a few weeks or days, I'm
21 not sure; perhaps a week or two. I don't
22 remember.

23 Q. During the timeframe where you
24 served with [REDACTED] [REDACTED] as your
25 partner, were there any incidents where he

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failed to meet your expectations of a partner?

THE WITNESS: I don't understand what you mean. Could you clarify, please.

Q. I believe you, in Exhibit C, indicated that you had concerns about working with [REDACTED] [REDACTED] as your partner and that's one of the reasons that eventually lead to you being transferred out of the detective division; correct?

A. Yes.

Q. And you said there may be a document of an incident where you believe [REDACTED] [REDACTED] didn't do something such that another officer got hurt?

A. What we do, you know, within the narcotics unit it's very confrontational. Sometimes we got to take a fight with drug addicts, drug dealers. They don't want to go to jail so they're very combative. [REDACTED] [REDACTED] was very afraid. He was very afraid. Some of us in the unit were not -- did not feel secure

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2 working with him or apprehending suspects
3 just with him where, you know, in a
4 situation where there's one officer and
5 [REDACTED]. So, yes, did I feel unsafe,
6 sometimes, yes; did I not trust his ability
7 to apprehend suspects, no, I did not, so I
8 was very careful in what we did and how we
9 apprehended and whenever we had verbal abuse
10 or we had the support of the team, as well.
11 Yes, so yes -- I believe some of us did not
12 trust his ability at the time, that's
13 correct.

14 Q. You said "we".

15 Is there -- who else shared your
16 opinion?

17 A. Detective Patterson. We spoke
18 about -- we had meetings, sometimes without
19 -- mostly without the supervisors group
20 meetings. As a unit we tried to be very
21 cohesive. We understand everyone has
22 different personalities but we, with efforts
23 of myself, we suggested to have group
24 meetings and we did and some people just did
25 not feel the same way or share the same

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views concurred with some of our finest.

Q. Was [REDACTED] [REDACTED] part of those group meetings?

A. Yes, he was.

Q. Are these group meetings documented anywhere in minutes or anything?

A. No, in the narcotics unit we unlike patrol division we are not mandated to use memo books so it's freelance where we come together, sometimes our schedules change randomly. When we come in we plan what we're going to do for that day. We might have an assignment, it depends, surveillance in the community or there may have been a crime in a particular area that we have to focus on, you know, things like that, get information so it was really undefined.

Q. Now, when you went back to the patrol division after your first tour in the detective division, can you tell me similar questions what sergeants do you remember were your immediate supervisors?

A. When I went back --

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Q. This would be the 2011
timeframe.

THE WITNESS: The first time?

MR. SWEENEY: Yes -- actually,
I think it's your second tour in the
patrol division because you started
working in patrol, you went to
detective and you went back to
patrol.

THE WITNESS: So, it was after
I was reassigned in 2007 after the
incident.

The supervisors that I worked
under?

Q. Do you recall your sergeants
that you worked for?

A. Not really. I don't remember
specifically.

Q. Do you recall the lieutenants
that you worked for?

A. Well, we -- at the time we had
rotating shifts so we had various
supervisors, you know, that at that time we
didn't have steady tours so even with steady

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tours the supervisors schedule still rotates while the subordinates were more steady so it's really hard to recall. It's just like speed dating.

Q. How about partners, did you have a regular partner in patrol?

A. Not really, not that I recall. That could be random. You could be placed in various sectors. That's how patrol is divided with sectors and you're assigned a patrol car to patrol that particular geographic area, so one day I could be working on the south side, and it all depends on whoever is planning that particular day, supervisor.

Q. There came a time, I believe in 2011 where you went back again to the detective division; is that correct?

A. Yeah, but after I was initially assigned to patrol I was then reassigned back to the narcotics unit.

Q. Can you tell me how that came about, that reassignment back to the detective division?

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THE WITNESS: I don't

understand.

Q. Did someone ask you, did you
volunteer; how did that happen?

A. Well, I -- someone had to ask
me. I was very productive, you know, I was
known to be productive, you know, so I guess
someone had asked me to go back to the unit.

Q. Who asked you?

A. At the time I believe there was
a transition from Sergeant Stefano as the
supervisor to narcotics to I believe
Sergeant Mitchell. I know at some point I
had a meeting. I was called into the office
I believe with Captain Adonaro. I don't
remember who it was and I was told that I
was going back to the narcotics unit.

Q. So, you recall having a meeting
with Captain Adonaro about --

A. I believe it was two
supervisors.

THE WITNESS: Let me try to
recall here.

A. Two supervisors. I had a

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meeting with two supervisors and they interviewed me and they wanted to know how I felt about going back to the unit and I accepted.

Q. Was [REDACTED] [REDACTED] still part of the unit at that time?

A. I believe so, yes, because he left shortly after that; yes, yes, [REDACTED] [REDACTED] was still there.

Q. I don't think I asked you this question before, Officer Bovell, but your first tour in the detective bureau which would have been 2010, 2011, do you recall who the police commissioner was?

A. I don't remember.

Q. Do you recall who the mayor was?

A. I don't remember exactly. We've had some different commissioners and mayors. At that time I don't specifically remember. I know that when I was reassigned that we -- when I was reassigned we had Commissioner Bell as police commissioner at some point.

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Q. Commissioner Bell is an African-American?

A. African-American, right.

Q. During your reassignment -- you're referring to reassignment back to patrol or back to your detective division a second time?

THE WITNESS: Say that again, please.

Q. When you say you got reassigned, are talking about being reassigned to patrol?

A. To the detective unit, narcotics.

Q. The second time?

A. After 2011 and towards the end of 2011 when I was reassigned to the narcotics unit.

Q. You do recall Police Commissioner Bell being in charge of the police department?

A. At some point.

Q. Do you recall who the mayor was at that time?

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2 A. The mayor, you know what, we
3 were transitioning between mayors; I believe
4 Young, Mayor Young, Clinton Young and Mayor
5 Davis.

6 Q. Mayor Young and Mayor Davis are
7 both African-American?

8 A. Yes, they are.

9 Q. When you were reassigned back
10 to the detective bureau in 2011 the second
11 time, do you recall who the sergeant was
12 that you reported to?

13 A. Oh, for a little while it was
14 Sergeant Stefano. For a little while it was
15 Sergeant Stefano but he left. I knew that
16 before he came that he was going to be
17 reassigned and I believe -- I don't remember
18 exactly but I believe it was Sergeant
19 Mitchell. Sergeant Mitchell was the
20 narcotics supervisor.

21 Q. Was Sergeant McEachin at all a
22 supervisor or sergeant?

23 A. Yes, after Sergeant Mitchell.
24 Sergeant Mitchell got injured at some point
25 and I believe Sergeant McEachin took over.

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Q. And then eventually Sergeant Fegan?

A. Mitchell -- yes, that's correct.

Q. So, the four sergeants that you would have reported to during your second tour in the detective bureau would have been Sergeant Stefano for a short bit, Sergeant Mitchell, Sergeant McEachin and Sergeant Fegan?

A. That's correct.

Q. Do you recall the lieutenants that the narcotics unit's officers and detectives reported to?

A. I know -- I don't recall exactly but I know they were Caucasian. I forgot their names, sergeants and lieutenants.

Q. Captain Adonaro was still the captain in charge at that point?

A. Captain Adonaro was captain at some point in time. I know that there's a Caucasian lieutenant but I forgot his name and a Caucasian sergeant but I forgot his

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2 name; both retired. They're retired now.

3 Q. What partners did you have in
4 the detective bureau the second time?

5 A. The second time -- oh, the
6 second time was the first time we had so
7 many African-Americans in the unit and I
8 remember discussing that. This will never
9 happened again under the commission of
10 Commissioner Bell. When I returned to the
11 unit we had approximately four
12 African-American males in the unit. That's
13 never been seen before and we also knew that
14 it would never happen again. It would be
15 the first and last time.

16 Q. When you returned to the unit
17 in 2011, you had four African-Americans?

18 A. At some point in time, Officer
19 Bradley came on board, Detective Griffin
20 came on board so there's approximately four
21 under the initiative of McEachin and
22 Mitchell, Sergeant Mitchell. Sergeant
23 Mitchell is now Lieutenant Mitchell -- I'm
24 sorry, Sergeant McEachin now Lieutenant
25 McEachin and Sergeant Mitchell was recently

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the honorary commissioner. He retired and was recently the police commissioner.

Q. As I understand your testimony, when you went back to the detective bureau the second time, your sergeant supervisor at that time would have been Sergeant Stefano?

A. For a little time. I was told that he would no longer be the supervisor and that there was going to be a new supervisor and that's what I was told and why I accepted the position back in. He said there was going to be new leadership. Sergeant Mitchell became the narcotics supervisor. Subsequently to that, Sergeant Mitchell had an injury, on-duty injury where he was apprehending the suspect and he got injured and then Sergeant McEachin took over.

Q. I'm just trying to get -- track down. You said there were four African-American detectives or officers in the narcotics unit.

Were they working when Sergeant Stefano was there or did they come aboard

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later?

A. Subsequently they came aboard later under Sergeant Mitchell and Sergeant McEachin. Sergeant McEachin's now Lieutenant McEachin.

Q. I think you indicated that those four African-American officers or detectives would have been yourself, Officer Briley, Officer Griffin?

A. And Griffin.

Q. Is there anyone else?

A. I don't remember. You know what, actually I'm trying to remember. As far as I remember right now, Officer Zappone.

Q. With a Z?

A. Yeah, with a Z, Zappone. He transferred.

Q. Is Officer Zappone African-American?

A. I believe he's Hispanic, Zappone. I'm not quite sure.

Q. Was Detective Antonini part of the group when you transferred into it the

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second time?

A. The second time, yes, he came aboard, as well. I forgot about Antonini. He came aboard, as well, subsequently under Mitchell. After I came aboard he came aboard, as well.

Q. Was Officer Light part of the group at that time?

A. Yeah, Light was still -- Light was there. He came up, as well.

Q. Based on names you gave me, I'm just counting six detectives.

A. Ibanez left. So when I came back to the unit, there was myself, I believe Griffin was there, myself, Griffin came aboard at some point in time and Detective Patterson at some point in time, Ibanez left at some point in time, [REDACTED] left.

MS. BELLANTONI: Who?

THE WITNESS: [REDACTED]

A. He left, he transferred. So, Ibanez transferred, [REDACTED] [REDACTED]

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transferred, Zappone transferred and went to other police departments.

Q. I think in your prior testimony you indicated that it would be unusual or historic to have four African-American males.

A. It's never happened before. Normally under -- as I said in 2009 I was made an offer to join the narcotics unit but then Sergeant Fisher now Lieutenant Fisher, it was predominantly all white males. By the time Sergeant Wuttke who was a police officer then, Sergeant Fegan and other officers all white officers. The narcotics unit is predominantly dominated since I've been in the Mount Vernon Police Department by white males, very few African-American males so it was pretty unusual to have one or two African-American males in the narcotics unit.

Q. Is there any -- do you have an opinion whether it's better to have more black officers in the detective bureau than not?

M. BOVELL

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2 A. No, it's just the opportunity.
3 There's more favoritism. White officers
4 were given more opportunity and more
5 advantage than the black officers. That's
6 what it is. There's nothing obscure about
7 it.

8 Q. What is the basis for your
9 belief when you say that?

10 A. Well, this was discussed among
11 other officers in the department. It was an
12 issue. We -- Sergeant Fisher is known to be
13 a racist. He's still known to be a racist.
14 He treated other black officers unfairly and
15 no one liked to work under him. When they
16 requested me in 2009 to come work in the
17 narcotics unit, they needed -- the chief at
18 the time I believe was Barbara Dunkin at
19 some point, Chief Barbara Dunkin, she felt
20 there was a problem with African-American
21 males not being in the unit and why didn't
22 you want to work in the unit and so Antonini
23 approached me because he worked under
24 Sergeant Fisher at that time and we worked
25 with Sergeant Wuttke, Sergeant Fegan and

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2 somehow, I don't know, Antonini, he probably
3 perhaps liked my work ethic or productivity
4 and he tried to recruit me. He said
5 "Listen, Sergeant Fisher addressed me you
6 should come join, you should join up, you
7 know, you should come on board." He gave me
8 a phone call and I said I'll think about it.
9 Initially I said yes but then I spoke to --
10 I asked other officers such as David Clark
11 which is now Detective Clark their opinion
12 so I turned to senior officers to ask their
13 opinion, you know, about working within the
14 unit and they expressed to me their
15 experience because they worked the unit at
16 some point under Sergeant Fisher that
17 Sergeant Fisher is a racist, he targets --
18 he doesn't like black people. They've had
19 bad experience with him. I spoke with other
20 officers, as well, and no one wanted to work
21 under Sergeant Fisher at the time because
22 they knew he was a racist.

23 Q. The officers that gave you this
24 opinion were now Lieutenant Clark?

25 A. Not Lieutenant, Detective

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2 Clark, one of the officers. There are other
3 officers that transferred and are no longer
4 there, also black officers that experienced
5 the same thing under Lieutenant Fisher, now
6 Lieutenant Fisher, Sergeant Fisher back then
7 when he ran the narcotics unit.

8 Q. What other officers -- who were
9 these other officers?

10 A. I don't remember their names
11 right now but there are other officers. I
12 asked the opinion of other officers at the
13 time when the opportunity presented itself
14 when Sergeant Fisher offered me to join the
15 unit and I subsequently accepted and then
16 declined. I declined afterwards after I
17 heard the experience of these other black
18 officers so I just realized that I was just
19 being used as existence or I didn't want to
20 be part of that -- I didn't want, you know,
21 I didn't want to experience that, I didn't
22 want to be part of that at all, and other
23 things to, I also received information that
24 they were doing other unethical things, you
25 know, against black people in the community

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so I didn't want to be part of that.

Q. Let's break that down.

You said Detective Antonini tried to recruit you back in 2009.

A. Yeah, he came to me and said "Sergeant Fisher likes how I work and you should come and join." I said I'll think about it, you know, but Antonini and I spoke briefly, you know, he would talk to me something about I don't feel like something but he would talk to me and tell me things. He confided in me with certain information so he felt that I would be a good pick to join the unit and I should come on board but I did some research on my own and I spoke to other senior officers and how they felt about it in their experience and, you know, just as a guiding tool for me to make a constructive decision on my career path. After I obtained that information, I felt that it was inadequate for me, that's not something I want to be a part of so I declined. They had a meeting and he called me to a meeting which included Sergeant

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2 Fisher at the time, Captain Adonaro, a few
3 other white supervisors, they asked me why.
4 I told them at this point in time I felt
5 that this is not the best route for me and
6 I'd rather go to the route of the task force
7 first because normally there's steps; you go
8 to the task force, then you go to narcotics,
9 you go to quality of life and then you go up
10 and I said I think I'm rushing things. I'd
11 rather to be in homicide to have that
12 experience of task force before I jump right
13 into the narcotics and they told me that the
14 opportunity would never present itself again
15 so you either take it now or never and I
16 declined.

17 Q. Detective Antonini, it sounds
18 like he was working in the detective bureau
19 at that time?

20 A. He was an officer at that
21 point. He didn't obtain his detective
22 shield as of yet. He worked, Detective
23 Antonini worked under the supervision of
24 Sergeant Fisher at some point at that time.

25 Q. But in narcotics?

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2 A. In the narcotics unit, that's
3 correct.

4 Q. But Detective Antonini or
5 Officer Antonini wasn't there when you
6 joined the detective bureau for the first
7 time?

8 A. The first time, no, because
9 that group was dismantled. Chief Dunkin at
10 some point dismantled the narcotics group.
11 She -- I don't know the exact reason but she
12 had a problem with it. I guess she had a
13 problem with now Lieutenant Fisher so that
14 group was dismantled. She did not like the
15 way it was ran and it was dismantled. Also,
16 from what I understand, she had issues with
17 Antonini because Antonini was known to beat
18 up on black people. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] He

25 was known to be very abusive, a very abusive

M. BOVELL

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officer of -- what else should I say -- of his powers, his responsibility.

Q. Did you have this knowledge when he tried to recruit you to go to the detective bureau?

A. Yes, partially but I learned more along the lines so which is why I refrained from -- I declined because I didn't know what I was getting into. I didn't want to get into that type of situation. I understand it would have been a career move but I'm not that type of police officer so I chose the later.

Q. How did you get information about what Detective Antonini had done to [REDACTED] [REDACTED] [REDACTED]?

A. Oh, Antonini told me. He tells me a lot of things. Antonini told me why -- he told me that now Lieutenant Fisher doesn't like African-Americans or even Hispanics but the reason why -- now Lieutenant Fisher has a relationship with Antonini. He's fond of him because he likes baseball, so Lieutenant Fisher likes

M. BOVELL

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2 baseball and Antonini told me that when he
3 was first assigned to work under Sergeant
4 Fisher at the time, Sergeant Fisher didn't
5 like him but they did a search warrant. One
6 day they did a search warrant on a house and
7 they couldn't find the drugs, the drugs that
8 they set out to find for that particular
9 suspect but Antonini said Sergeant Fisher
10 got to like him was that he was able to
11 recover the drugs outside of the apartment,
12 it was somewhere outside the apartment.
13 Once he found it, once Antonini found the
14 drugs when they did the search warrant
15 that's when the relationship began to grow
16 between himself and Sergeant Fisher. They
17 found the drugs outside the apartment and
18 they arrested the person.

19 Q. Your information regarding
20 Sergeant Fisher now Lieutenant Fisher being
21 racist came from Detective Antonini?

22 A. Yes, Detective Antonini and
23 other black officers.

24 Q. Detective Antonini told you
25 about what he had done [REDACTED]

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1
2 [REDACTED]
3 A. Yes, yes, he discussed that
4 with me, yes. He told me himself that
5 there's a race war while I was in narcotics
6 unit under Sergeant Fegan so he confided in
7 me. He told me things. I guess he thought
8 that we were alike based on character.

9 Q. In looking at your Complaint,
10 Officer Bovell, at Paragraphs -- not that
11 you have it in front of you -- but
12 Paragraphs 32 through 36 where you made
13 allegations regarding what Sergeant Fegan
14 and Detective Antonini said.

15 For example, Paragraph 32 says
16 "Sergeant Fegan and Detective Antonini
17 continually made racist comments to one
18 another about black citizens in Mount Vernon
19 such as "F" these niggers, they ain't shit
20 and will never be shit, this place, meaning
21 the City of Mount Vernon, is a shit hole."

22 Did you hear those words?

23 A. Yes, yes, definitely. They
24 spoke freely. I don't know how they're
25 comfortable saying that around me. At times

M. BOVELL

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2 they would say it when I'm in the back of
3 the car. We're driving to meet up with DEC
4 people to do a search warrant, so I'm in the
5 back of the car and they would just speak
6 freely. Antonini and Sergeant Fegan has
7 like a really close relationship. The way
8 I'll define it is Antonini is Sergeant
9 Fegan's bulldog. He does whatever he wants,
10 you know, he established himself under the
11 Fisher régime.

12 Q. So, these comments were said in
13 your presence.

14 Was there anyone else in the vehicle
15 that heard this being said?

16 A. No, just me.

17 Q. Just you?

18 A. Just me.

19 Q. Do you know when this was said?

20 A. During that time when Sergeant
21 Fegan took over the unit.

22 Q. Was it said once or more than
23 once?

24 A. It was said more than once. It
25 was said definitely more than once.

M. BOVELL

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2 Q. Do you have any timeframe what
3 any --

4 A. I don't remember right now but
5 normally -- the first time I heard it was
6 when we were going to do a search warrant.
7 I was in the back of the car. I was half
8 asleep but, you know, I was in the back of
9 the car and they would speak freely about
10 how they felt about people in the community,
11 you know. That was the first time. I
12 noticed how Sergeant Fegan would interact
13 with the black officers including myself
14 compared to the white officers in the
15 office. He was more abrasive towards the --
16 condescending towards black officers than
17 the white officers. The white officers were
18 given more privileges like days off, time
19 off. It was clear. It wasn't obscure at
20 all.

21 Q. After this was -- after these
22 comments were said, did you ever complain to
23 anyone about these racist comments to anyone
24 in the chain of command?

25 A. Once I noticed these things and

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how Antonini and Sergeant Fegan what they were doing in the unit, it became uneasy. I did not feel comfortable being in the unit. At some point, some friction erupted between myself and Fegan where I voiced my concerns. He told me to get -- he told me to pick the fucking bag up right in front of other officers. We were about to do a search warrant and he told me in front of other officers, I believe Detective Griffin and other officers, he told me to go pick the fucking bag up and get outside and at that point in time we had a meeting, a discussion. He directed me to write an MV-5 to be out of the unit. I wrote the MV-5, we sat down and we talked and I told him how I felt about what he was doing in the unit and I didn't feel safe what Antonini was doing. I voiced my concerns and he explained to me -- he told me that things would change, that he was apologetic. He told me that he didn't want me to leave the unit so -- and he handed me back my MV-5.

Q. Let's break that down.

M. BOVELL

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2 These comments that I quoted from the
3 Complaint, you said you don't recall when
4 they were said; right?

5 A. I don't remember right now
6 exactly but it was during the 2013
7 timeframe. It was said on different
8 occasions.

9 Q. You joined the detective bureau
10 a second time in December of 2011 as I
11 understand it.

12 A. Right.

13 Q. These comments were said
14 sometime in 2013?

15 A. Yes, under the supervision of
16 Fegan as to -- first there was Stefano,
17 Mitchell, Mitchell got injured, Sergeant
18 Mitchell got injured and then Sergeant
19 McEachin took over. He was reassigned. He
20 was kicked out and then Sergeant Fegan took
21 over the unit in 2013, sometime in 2013.

22 Q. Your belief as to the timeframe
23 was based on the fact that Sergeant Fegan
24 had to be a supervisor in the 2013
25 timeframe?

M. BOVELL

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2 A. Yes, he was my supervisor in
3 the narcotics unit right before I
4 transferred out.

5 Q. Paragraph 33 says "Officer
6 Bovell has heard Sergeant Fegan say in
7 substance "Damn niggers have no sense. They
8 should die" to which Detective Antonini
9 replied in substance "Let's just take their
10 money."

11 A. He made a joke. He laughed
12 when he said that, so they were having a
13 conversation. I was in the back of the car.

14 Q. Was that the same timeframe
15 that they talked about --

16 A. That was separate. I believe
17 that was separate, to my knowledge.

18 Q. Do you recall when that comment
19 was said?

20 A. Both cases was when we were
21 doing search warrants. We were driving the
22 vehicle to do a search warrant, I believe to
23 the ESU garage, to the ESU garage.

24 Q. Paragraph 34 says "On numerous
25 occasions while conducting search warrants

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on suspects vehicles and homes Officer Bovell would observe Detective Antonini recover money and say "Did anybody see this" as he concealed the money in his pocket."

A. Yes, yes, he did that often. Antonini told me himself that he took money off drug dealers or African-American males during his course of employment under Sergeant Fisher. He told me that himself, so I would watch Antonini. There's a couple times I had a search warrant. I was asked to do a search warrant on the vehicles, homes and he will -- we will do like an inventory search on a car and so forth checking vehicles since it's going to be impounded. He'd find money and then he'd take the money. He looked at me and he'd pocket the money. He said "Anybody saw it?" And I wouldn't say anything but I would watch him and then he realized based on my demeanor that I wasn't with it so he'd put it back. He would put it back so he felt uneasy but his intention was to take the money. When he realized that we weren't

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co-signing what he was doing -- I wasn't co-signing what he was doing so he even did that in front of other officers that were helping to search vehicles or homes so he didn't do it at some point.

Q. Paragraph 34 says "On numerous occasions he would take money and ask the question "did anybody see this?"

A. Yes.

Q. You observed that?

A. I observed that more than once. He took the money and put it back.

Q. Then Paragraph 36 says "On one occasion when Detective Antonini realized that Officer Bovell objected to his taking money he put it back."

A. That happened more than once.

Q. That's what I'm trying to understand.

The taking of the money happened more than once?

A. The taking of the money, I observed him taking money, \$100 from a suspect, a female's purse before at some

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1 point in time after -- before, I don't
2 remember but I observed that and Sergeant
3 Fegan saw this, saw it happen and he didn't
4 do anything about it, you know, the person
5 complained about missing the money and he
6 told them "I don't know what you're talking
7 about, go make a complaint," so, you know,
8 she repeatedly complained about her \$100 and
9 I saw Detective Antonini, he took that
10 money.
11

12 Q. When you describe it looks like
13 the allegations in Paragraphs 37, 38 and 39
14 of the Complaint, I'm just going back to
15 Paragraphs 34 and 36 where you said "On
16 numerous occasions Antonini would take money
17 and say historically "did anyone see this?"

18 A. Exactly.

19 Q. But on Paragraph 36 it says "On
20 one occasion Antonini realized that you
21 objected to his taking the money and he put
22 it back."

23 A. It was more than one occasion.

24 Q. You objected on more than one
25 occasion?

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A. It was more than one occasion.

Q. That he put the money back?

A. Yeah, he took the money and then he put the money back once he realized that I wasn't with it or whoever that was along with myself wasn't with what he was doing.

Q. Who else was with you?

A. I don't remember.

THE WITNESS: You asked that question more than once.

MR. SWEENEY: Let me ask the question a different way so I understand your testimony.

Q. On each and every occasion that you saw Sergeant Antonini take the money, did you make him put it back?

MS. BELLANTONI: Objection to the form of the question.

Q. In each and every occasion that you saw Detective Antonini take money, did you somehow communicate to him that you didn't approve of that?

A. Yes, he saw that I didn't -- I

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2 wasn't for what he was doing based on my
3 reaction, my body reaction and my gestures
4 to him but I looked at him and he realized I
5 wasn't condoning what he was doing and then
6 he placed the money back.

7 Q. Your testimony is that happened
8 on a number of occasions?

9 A. More than once.

10 Q. More than once?

11 A. Yes.

12 Q. More than twice?

13 A. I would say at least twice.

14 Q. At least twice?

15 A. Yes.

16 Q. Do you recall the names of any
17 of these suspects that this occurred to?

18 A. I don't remember right now but
19 the information is there, in the police
20 records. I don't remember right now what
21 the name of the suspects were or are but I
22 know that it was in that timeframe in 2013.

23 Q. And this occurred, this meaning
24 him taking money, you telling him by your
25 body language or gestures you didn't approve

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and Detective Antonini putting the money
back?

A. Yes.

Q. You said that was done not only
in your presence but other officers?

A. Yes.

Q. And you don't recall who those
other officers were?

A. Right now I don't remember.

Q. Did you report this to anyone
in your chain of command?

A. No, I was afraid to. Based on
what I experienced of being ostracized I was
afraid to but his behavior was getting from
bad to worse, though.

Q. You said you were afraid to.

Why were you afraid to?

A. Because I was left holding the
bag before. You know, I called it the
holding the bag trick. What it is is that
when I was kicked out -- when I was
reassigned the first time we had a meeting
based on my MV-5's and my prospective on
things and my opinions and I forgot the

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1 lieutenant, the white Caucasian lieutenant
2 who's now retired and also the sergeant
3 who's now retired, I don't remember, they
4 called everyone in the office and everyone
5 to express their opinions of what happened
6 and what occurred and then they subsequently
7 called me into the office, they questioned
8 me and then they told me that I'm going to
9 be reassigned, so it's the holding the bag
10 trick where, you know, they put people on
11 the spot and I asked them what happened and
12 then if I -- if my testimony was different
13 from theirs, if I wasn't on board then
14 you're not a part of the team, so if you're
15 not a part of the team, you know, you don't
16 keep your mouth shut, you get kicked out.

18 Q. Did you have a duty under the
19 rules and regulations of the Mount Vernon
20 Police Department to make a report of
21 misconduct by another officer?

22 A. If you see something, you say
23 something. We discussed it amongst ourself.
24 We discussed it amongst other officers, you
25 know, and based on our experience we know

M. BOVELL

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2 that the Mount Vernon Police Department is
3 not on the straight and arrow, you know,
4 doing the right thing doesn't mean you're
5 going to get the right results
6 unfortunately. So, you could be ostracized,
7 you could be punished, you could be deemed
8 as a troublemaker, you could be deemed as a
9 problem with authority. This is how it
10 works. It's actually a blue code, you keep
11 your mouth shut or your career is going to
12 go down the drain and it's going to be
13 uneasy for you and that's the way it is and
14 this is why we have so many people that
15 transfer. Nobody wants any problems. So,
16 know, so you keep it fresh, you don't say
17 anything, you know, then you won't have a
18 problem with transferring or anybody, you
19 know, as far as a reference and people are
20 just trying to get out. You can look at the
21 transfer rates from 2013 until now.

22 Q. In response to an earlier
23 question, did you have a duty to report
24 misconduct of another officer under the
25 rules and regulations?

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M. BOVELL

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A. We all do.

Q. I'm going to show you for the record and your attorney Exhibit A and ask you to take a quick look at that.

(Handed)

MS. BELLANTONI: I'm just noting for the record this has not been bated stamped.

Is this something that's been provided prior to today's deposition?

MR. SWEENEY: I'll represent for the record that it's a copy of a record of what you provided. I can certainly look for your copy of the bated stamp, how is that?

(Whereupon Ms. Bellantoni and the witness are conferring.)

THE WITNESS: No, not that I remember, no.

MR. SWEENEY: What was the answer to?

THE WITNESS: I was speaking with my attorney.

MS. BELLANTONI: For the

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record, my question is whether my client's recollection of providing this document entitled "Code of Conduct." It consists of 29 pages issued one for 1993, whether he has a recollection of providing it for production to the defendants and his response was no.

MR. SWEENEY: That wasn't my question but I appreciate the clarification.

MS. BELLANTONI: It wasn't my question. You were wondering what his response was -- what he was saying in response to.

MR. SWEENEY: I can have this copy, bate stamp copy of the same thing marked if it would help.

MS. BELLANTONI: If you just give me the bate stamp number, that's fine.

MR. SWEENEY: Bovell.00053 through Bovell.00071.

MS. BELLANTONI: Thank you very

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much.

MR. SWEENEY: If you want to compare the two I think they're the same.

MS. BELLANTONI: No need, that's fine.

A. I did. My recollection the first meeting that we had Sergeant Fegan, I did mention Antonini's behavior and what he was doing during that meeting. So, I did tell the supervisor. We discussed that.

Q. You told Sergeant Fegan?

A. Yes, I told Sergeant Fegan.

Q. Do you recall when you told Sergeant Fegan?

A. When he told me to get the fuck out of the office because I had to get the fuck out of the office. We had a long discussion of what was going on in the unit and how I felt and how things are wrong and I wasn't comfortable with what's going on so I reported it to my immediate supervisor and he told me that things would change but things only got worse.

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Q. I think you're referring to Paragraph 46 of the Complaint in which you say "For instance, in July of 2013 Sergeant Fegan told Officer Bovell I want you to pick up the F'ing bag and take it outside."

Is that the conversation?

A. Yes, that's the conversation.

Q. It says in the Complaint that conversation happened in July of 2013?

A. Approximately. I don't know when that happened but in 2013 it did happen.

Q. During that same conversation about the bag and taking it outside, you made a report to him --

A. We spoke about everything that was going on, what I was uncomfortable with. I saw what was happening. Everybody else -- I had a discussion with other members of the unit at the time. Officer Garcia was part of the unit, as well. I didn't mention him. Garcia, he came on board at some point, I think before Fegan. We discussed that -- Officer Garcia would say to me that, you

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1 know, "I wish I was strong like you, Bovell.
2 You know, what's going on is wrong" but a
3 lot of people were scared. That's the
4 problem. People want to know what happened.
5 If you speak up, you get ostracized, your
6 career goes bad. You get labeled. No one
7 wants that trouble. We would speak amongst
8 ourselves as locker room talk but no one
9 would actually go make a complaint because
10 it's -- unfortunately in Mount Vernon things
11 don't work the way it should be, the Mount
12 Vernon Police Department. People complain.
13 Things that you expect to be done or
14 investigated actually do not. It's a lot of
15 favoritism, a lot of racism, a lot of abuse
16 of power, a lot of cover ups, repeated cover
17 ups in the police department that other
18 people have witnessed, I have witnessed. It
19 goes on. It's very real.

20
21 Q. So I understand your testimony,
22 you made a report to Sergeant Fegan that

23 [REDACTED]
24 [REDACTED]

25 A. Yes, yes, and he was doing this

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behavior and prior to that, as well.

Q. He was what?

A. He was condoning that behavior prior to that in 2013, you know, under the supervision of Sergeant McEachin. He would

[REDACTED]

A. Yes, that year under, [REDACTED]

[REDACTED]

Q. Did you observe Detective

Antonini [REDACTED]

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A. Yes, I did.

Q. Did you make a report of that
to Sergeant McEachin?

A. I didn't at the time. I
believe someone else did. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Q. Why was Sergeant McEachin
transferred from the detective unit?

A. I have no idea. I have no
idea. I don't know. At the time Captain
Adonaro was the supervisor for the detective
division so he has the ultimate decision, so
I really don't know.

Q. Is it fair to say from your
testimony, Officer Bovell, that Sergeant
McEachin condoned or tolerated what
Detective Antonini was doing?

A. No, not at all.

Q. What actions did Sergeant
McEachin take with respect to --

M. BOVELL

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2 A. I don't know. Maybe that's why
3 he was going out. I have no idea.

4 Q. What do you mean maybe that's
5 why he was going out?

6 A. Maybe that's the reason, I told
7 you what the reason was. Maybe he wasn't a
8 team planner and because he's not a team
9 player they assigned Sergeant Fegan who is
10 part of the regime under the Fisher,
11 Adonaro, Wuttke, Fegan regime. That's how
12 the department's been ran for some time.
13 It's very clear and precise. Right now
14 Lieutenant Fisher is running the division,
15 Sergeant Fegan is running narcotics still so
16 it's the same thing, you know, this is a
17 regime that people, other officers, black
18 officers are aware of and if you try to
19 challenge the regime you can't win.

20 Q. I believe you testified earlier
21 that Detective Antonini would tell you about

22 [REDACTED]
23 [REDACTED] correct?

24 A. Oh, yes. From time to time he
25 would have discussions about -- I guess he

M. BOVELL

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2 felt that some of us were like him, you
3 know, he felt that we were -- we had a
4 prospective on him and character towards
5 him.

6 Q. Did Detective Antonini ever
7 tell you [REDACTED] from
8 Sergeant McEachin or anyone else for
9 manhandling these suspects?

10 A. No, right -- [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED] For me, I
17 learned my lesson about, you know, I saw
18 what happened before about the holding the
19 bag so I learned my lesson and my state of
20 mine I was very afraid, just like I'm very
21 afraid now, so someone else spoke up which
22 is a good thing and I didn't want to be
23 singled out. I didn't want to be singled
24 out and that was happening. If you're in a
25 group of people and you're the only one

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barking and making noise and no one else and everybody else is inside the locker room, it's locker room conversation, but according to the rules and regulations, you know, escalate to a higher power to oversee and investigate it then you're the only one barking, you want other people to metaphorically pass the bat and baton and get involved which is one of the reasons why I'm here today.

Q. In Paragraph 35 of your Complaint you said that -- you allege that "Sergeant Fegan is aware and consented to Detective Antonini stealing the black suspect's money," is that correct?

A. No, I never said Sergeant Antonini consented to anything.

MR. SWEENEY: No, I said
Sergeant Fegan.

THE WITNESS: Oh.

MR. SWEENEY: I'm just reading
from Paragraph 35.

THE WITNESS: Oh, okay. I'm
sorry.

1 M. BOVELL

2 Q. Paragraph 35 says "Sergeant
3 Fegan was aware and consented to [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED]

6 A. I saw it, yes. [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 Q. But then you said you made a
11 report to Sergeant Fegan about that same
12 misconduct.

13 A. No, not that same misconduct;
14 prior to misconduct, [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].
16 I mentioned that to Sergeant Fegan in our
17 meeting.

18 Q. The way I'm doing this, Officer
19 Bovell, I'm literally reading from your
20 Complaint.

21 Paragraph 35 "Sergeant Fegan was

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

24 referring to, you know, [REDACTED] [REDACTED]

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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A. No, that was referring to the
incident of [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

A. Yes, and Sergeant Fegan was
right there and he told me to make a
complaint.

Q. This is kind of an important
detail then.

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

A. No. As I said before, we were
doing search warrants and while we're
conducting search warrants of vehicles I was
in the vehicle myself, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

Q. Sergeant Fegan witnessed those?

A. No, Sergeant Fegan was not

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present during that time.

Q. The only incident that Sergeant Fegan witnessed was the [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

A. Yes.

Q. Do you recall which suspect that [REDACTED] [REDACTED] [REDACTED]

A. I don't remember right now.

Q. If you were aware that Sergeant Fegan [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] why wouldn't you report that to someone else other than Sergeant Fegan?

A. Well, I --

THE WITNESS: Report it to who?

Q. It sounds like you reported

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED], you reported that to Sergeant Fegan?

THE WITNESS: Pardon me? Say that again.

Q. Did you report that incident to Sergeant Fegan?

THE WITNESS: What incident?

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M. BOVELL

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MR. SWEENEY: [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

THE WITNESS: Sergeant Fegan,
why would I report something that
he's already there?

MR. SWEENEY: That's what I'm
getting at.

Q. What did you tell Sergeant
Fegan when you said you had this take the
bag out conversation?

A. I told Sergeant Fegan, "Listen,
I -- Antonini, we had a discussion what was
going on in the unit and I said I was
uncomfortable with what Antonini was doing.
I told him what Antonini was doing and I
told him I can't be part of it. Things are
not right so I discussed his behavior
towards us in the unit, towards myself and I
told him I didn't agree with it and it needs
to stop and I don't want to be part of
something like that so he explained to me
that things are going to be different,
things are going to change and he didn't
want me to leave the unit and everything

M. BOVELL

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else so I stuck around and it continued.

Q. Paragraph 48 of your Complaint says "Officer Bovell advised Sergeant Fegan that he would be requesting a transfer from the narcotics unit due in large part to his, meaning Fegan's, demeaning and racial discriminatory remarks and conduct," is that right?

A. If that's what it says.

MR. SWEENEY: That's what it says.

A. Okay.

Q. So, did you request a transfer because of Sergeant Fegan's demeaning and racial discriminatory remarks or because of what Antonini --

A. Both. He's the supervisor. He's head of the unit. He represents the unit and he -- his demeanor towards the people of the community, black people in the community, I didn't condone, I didn't concur so I explained that to him that, you know, he was really -- I really don't know how to describe it but he was really caught up in

M. BOVELL

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being better than his predecessor which is Sergeant McEachin so he would do things that weren't right just to get arrests, just to produce arrests and that's what happened. It got worse and he would come in and he would tell us "Listen, we got to get 60 arrests for the month" and that's part of my conversation. I said to him, "How are you telling us to get 60 arrests for the month that's mandatory and we're going to get written up, but when you were the chief, you didn't even meet those goals, so how's that realistic? These are things that we sat down and spoke about. Again, I shared my opinion and I know from experience by sharing your opinion where it gets you but it was the right thing to do so I did it. I wasn't for it. I did not feel comfortable. Yes, I wanted my gold shield because I earned it. I am very productive but getting it this way and that way was just not right, you know, so he was doing anything to boost his arrests to exceed his arrests and do better than Sergeant McEachin and he didn't

M. BOVELL

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care what it took.

Q. Did you make a report of this conversation that you had with Sergeant Fegan at any -- at some point?

THE WITNESS: When you say make a record, a record of --

Q. You had this conversation -- from Paragraph 46 it looks like you had this conversation in July 2013 because that's when the bag comment was made according to the Complaint and then you had this other conversation -- the same conversation with Sergeant Fegan about wanting to transfer out; right?

A. Yes.

Q. In July of 2013 or shortly thereafter, did you make a record of this conversation?

A. I remember writing an MV-5 and I don't remember anything else right now but I remember writing an MV-5.

Q. And that would be an MV-5 to be transferred out?

A. Yes, I remember writing that

M. BOVELL

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MV-5.

MS. BELLANTONI: Can we take a
five minute break?

MR. SWEENEY: Sure.

(Whereupon, a recess was taken
at 11:42 a.m., examination resumed at
11:57 a.m.)

MR. SWEENEY: Mark these two as
the next exhibits.

(Whereupon, Defendant's Exhibit
U, Summons and Complaint, was marked
for Identification.)

(Whereupon, Defendant's Exhibit
V, MV-5 Officers Report, was marked
for Identification.)

Q. Officer Bovell, I'm going to
show you what's marked as Defendant's U
which is a copy, a filed copy of the Summons
and Complaint that you filed in this matter.

(Handed)

Q. If I could, I'm going to direct
your attention to -- look through it if you
want to verify it is a copy of the Summons
and Complaint.

M. BOVELL

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1
2 that your testimony before was accurate in
3 which you said that Paragraph 35 doesn't
4 relate to Sergeant Fegan [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 A. Sergeant Fegan and Antonini are
9 dirty, they're corrupted. They know what
10 each other does. That paragraph is
11 indicating that Sergeant Fegan and Antonini
12 work together. They do whatever it takes to
13 get arrest numbers, they abuse people of the
14 city, black people of the city. They're
15 both corrupted.

16 Q. With respect to Paragraph 35,
17 you're saying now that does refer to
18 Sergeant Fegan being aware that [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 A. Yes, it refers to Sergeant --
21 as I said, Sergeant Fegan is aware of

22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 Q. What is the basis of your
24 knowledge that Sergeant Fegan was aware of
25 that, did you witness that or --

M. BOVELL

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1
2 A. I witnessed Sergeant Fegan with

3 [REDACTED]
4 Q. [REDACTED],
5 I got that.

6 I'm asking about the other numerous
7 occasions where it's alleged that Antonini

8 [REDACTED]
9 A. Based on that observation, it's
10 safe to say that Sergeant Fegan is aware of
11 Antonini's doing because they are a team.
12 They're partners together, so based on -- if
13 he condones that act and based on my
14 knowledge of previous acts and our
15 discussion Sergeant Fegan is also agreeing
16 to that type of behavior which is the reason
17 why -- one of the reasons why I left the
18 unit.

19 Q. Your testimony as I understand
20 it is that [REDACTED]
21 [REDACTED]. Therefore, he must have
22 known about all the [REDACTED] that
23 [REDACTED]?

24
25 A. Well, I'm not saying every

M. BOVELL

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1 incident. There are incidents that occurred
2 that sergeant told to me by Antonini that
3 Sergeant Fegan wasn't present but it's safe
4 to say based on character that there are
5 some bad apples based on my observation of
6 what I've seen, two bad apples together make
7 really bad apples.
8

9 Q. Turning to Paragraph 40 which
10 is on the top of Page 7, it says "Officer
11 Bovell and other officers have repeatedly
12 observed Detective Antonini [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] is that correct?

18 A. Yes.

19 Q. So, you observed [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] before Sergeant Fegan was the
22 sergeant in charge of the narcotics unit?

23 A. Yes, I'm not the only one who
24 observed it but his behavior got worse once
25 he realized he had an ally that someone he

M. BOVELL

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1
2 was made as Sergeant Fegan as supervisor
3 what he began doing is stealing people's --
4 other -- probably a little bit before that
5 under Sergeant McEachin. There was an issue
6 where Antonini was taking people's CI's.
7 What I mean by that he was actually
8 approaching other CI's that are in patrol,
9 other members of the unit and coercing them
10 and threatening them and basically
11 intimidating them to flip, to work for him,
12 so that's stuff that was happening and even
13 I've experienced that myself right before
14 asking other units where he attempted to
15 persuade and intimidate one of my CI's.

16 Q. With respect to the allegation
17 in Paragraph 40 of [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED], you
19 indicated that that occurred both under
20 Sergeant McEachin and Sergeant Fegan?

21 A. During that year, yes.

22 Q. You observed, you personally
23 observed this?

24 A. I -- yes, I observed it. I
25 didn't really know what was going on but I

M. BOVELL

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observed this on several occasions, yes.

Q. Do you recall locations of where this occurred?

A. In the narcotics office.

Q. In the narcotics office?

A. You mentioned in custody, if they're in custody I'm referring to in the narcotics office. There are times when he's in the back seat speaking to a CI and he will rough them up. That's his way of getting his answer. That's his MO. He's known for being rough in the streets, you know, you could ask anyone who's probably apprehended or locked up. He's known for being really aggressive and intimidating.

Q. And you observed this?

A. Yes, I observed this on several occasions.

Q. Who did you report that misconduct to?

THE WITNESS: When exactly?

MR. SWEENEY: I don't know, if ever.

A. I reported to Sergeant Fegan.

1 M. BOVELL 106

2 Q. When did you report to Sergeant
3 Fegan?

4 A. When myself and Sergeant Fegan
5 had that conversation where he told me to
6 get the fuck out and get the bag. I
7 reported that to Sergeant Fegan about his
8 demeanor.

9 Q. When the slapping and punching
10 of the black male prisoners in his custody
11 occurred under Sergeant McEachin's watch,
12 did you report that to Sergeant McEachin?

13 A. Myself along with other
14 officers who witnessed it, I don't know but
15 I know that one officer reported it to
16 another supervisor.

17 Q. How do you know that?

18 A. Because he told me.

19 Q. What officer was that?

20 A. Detective Patterson.

21 Q. When did he tell you this?

22 A. He told me years ago and
23 recently he called me and he asked me why
24 didn't you guys do anything when you saw
25 Antonini punching that guy in handcuffs and,

M. BOVELL

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2 you know, he said that to me a couple weeks
3 ago. He called me and he wanted to know
4 what was going on and I says he had to give
5 some type of -- he had to meet with the city
6 attorney or something or my attorney. I
7 said I have no idea, just tell the truth.
8 He said he's going to tell the truth. He
9 wanted to know what was going on. He called
10 me and asked me what was going on. I
11 haven't heard from him in years. I haven't
12 heard from Detective Patterson from 2014 and
13 he just called me recently.

14 Q. Your belief that somebody in
15 authority was put on notice of the punching
16 and slapping of black male prisoners --

17 A. That's what he told me. Again,
18 I've been through the holding the bag trick
19 where I'm the only one voicing myself. He
20 spoke up. He told me he spoke up. He
21 called me the other day just before he had
22 the meeting with the city attorney or my
23 attorney and he asked to tell the truth.
24 All you have to do is tell the truth. He
25 asked me why didn't you guys do anything

M. BOVELL

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1 when you saw Antonini punching that guy in
2 handcuffs in custody. He asked me that
3 repeatedly. He was really upset about it
4 and he was upset about Antonini's actions.
5 He said that Sergeant Fegan is dirty,
6 Antonini is dirty, they're both working
7 together and this needs to stop, the abuse
8 needs to stop.
9

10 Q. I take it from your response
11 that Officer Patterson was upset with you
12 for not intervening?

13 A. No, Officer Patterson wanted to
14 know what we did as a whole because I wasn't
15 the only one who observed it. Detective
16 Griffin was there. There were other
17 officers in the office that were there so
18 Antonini -- I'm sorry, Detective Patterson
19 wanted to know why the other officers
20 including myself or what did we do to
21 address Antonini's behavior. I said to him,
22 "Listen, you see what I'm doing." I spoke
23 -- I told a supervisor what -- I told him
24 what I did so and then he said what did the
25 other guys do, you know, what did the other

M. BOVELL

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2 officers do. Myself and him weren't the
3 only ones who observed it and this wasn't
4 the first loading. Antonini is known for
5 putting hands on suspects, black people,
6 males in the community. It's well known.
7 It's not a secret. We interview -- if
8 there's an investigation we interview
9 officers that will come to light.

10 Q. In terms of what you -- the
11 reports that you made of other officers'
12 misconduct, the only report that you made
13 was to Sergeant Fegan during this bag, take
14 out the bag discussion in July of 2013?

15 THE WITNESS: Only report I
16 made?

17 MR. SWEENEY: Yes.

18 A. No, not exactly; this lawsuit,
19 as well, that's one of the reasons --

20 MR. SWEENEY: I'm referring to
21 when you were still a detective.

22 A. Only report -- well, I reported
23 -- my job as a subordinate is to report it
24 to a supervisor and I did my job. There's
25 so much I can -- and I realized that I was,

M. BOVELL

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you know, doing the right thing doesn't necessarily get the right results.

Q. To be clear, though, the only report of another officers' misconduct that occurred in the detective bureau that you made was this July 2013 report to Sergeant Fegan?

THE WITNESS: When you say
report, report to another officer or
report to a supervisor?

MR. SWEENEY: Report either to a supervisor, Internal Affairs or someone else in the chain of command.

A. Oh, yes, chain of command.

From what I remember, was Sergeant Fegan at the time.

Q. The only report that you made about Detective Antonini's misconduct was to Sergeant Fegan in July of 2013?

A. Approximately that I remember,
that I remember.

Q. Going back to Page 6 of this Complaint, Officer Bovell, about the black female suspect and \$100, that's Paragraphs

M. BOVELL

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37 through 39.

Do you recall -- you don't recall the name of that suspect?

A. Not right now.

Q. Do you recall the location of where this occurred?

A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Sergeant Fegan was a part of this allegation of misconduct.

Did you make a report of this happening to any superior, any chain of command?

THE WITNESS: Other than Sergeant Fegan?

Q. Well, Sergeant Fegan is part of the misconduct; right? That's what you --

A. No, at that time, no. I was scared to death to say anything else. From what I had experienced and I saw how things

M. BOVELL

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in the police department logically worked, I was fearful of what would happen next so I -- things were going in a bad direction.

Q. Did you make any either a memo book or any other record of this occurrence

A. I don't remember.

Q. Did you make any memo book entries or any other records of the incidents where Detective Antonini would routinely make racist comments?

THE WITNESS: To which particular incident?

Q. Paragraph 32 says "Sergeant Fegan and Detective Antonini routinely made racial comments."

I think you observed some of these;
right?

A. Yes, I did.

Q. Did you make any record entries
at the time?

A. I don't remember.

Q. [REDACTED] [REDACTED] [REDACTED]

██████████, did you make any

M. BOVELL

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records of those incidents [REDACTED]

[REDACTED]

A. I don't remember.

Q. If you had such a record, you would have produced that to your attorney; correct?

A. Yes, as far as I remember, yes.

Q. Paragraph 42 through 45, that's on Page 7, 42 indicates "Sergeant Fegan was aware and condoned Officer Antonini's racist conduct," do you see that?

A. Yes.

Q. And that's because you observed that happening?

A. Yes, there's an -- there's also a few incidents. We had arson in the third in 2013 and it was coming up on the end of the whole event, so Antonini -- we were directed to let them know that the event is over and people need to back up their stalls, the vendors, so we were in the section where the guys -- there were a lot of black people in the community but I knew

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1 a lot of people from the community, people
2 that knew me, as well, and the type of
3 officer that I am. Antonini -- we were
4 directed to tell everyone where to go.
5 Antonini became overly aggressive and
6 started shouting and screaming at people
7 telling everyone to get the fuck out of
8 here, buckle down. He began speaking really
9 condescending towards the black people in
10 the community. I assume that he was
11 directed by another white officer, Sergeant
12 Fegan -- by Sergeant Fegan and by
13 Lieutenant, I believe it was Lieutenant
14 Adonaro -- Captain Adonaro. I'm not quite
15 sure what other superior officer was there
16 but we were directed by both that superior
17 officer and Sergeant Fegan to clear it out
18 and Antonini became overly aggressive and
19 people from the community started looking at
20 me and saying "You got to calm him down,
21 man. You got to calm him down. You got to
22 stop that." He started saying "Get the F
23 out now." He started screaming. He was
24 showing off to Sergeant Fegan basically I'll
25

M. BOVELL

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1 do whatever you need to do which is what he
2 does, so later on when it was over and
3 people left and they looked at me "What's
4 wrong with your guy? He can't speak to
5 people like that." I told them sorry and I
6 said to Antonini, "Why you did that, man?"
7 And he looked at me and he said "I don't
8 know what happened. I don't know what
9 happened," so that was his response. I
10 said, "Why you ask and why you talking to
11 people like that?" And he says "I don't
12 know what happened." Sergeant Fegan was
13 right there. They did nothing. If they're
14 my supervisors and they're not intervening,
15 they don't find anything wrong with his
16 conduct, who the hell am I, who the hell am
17 I to speak over him and to act like a
18 supervisor.

19
20 Q. Did Detective Antonini use
21 racist language?

22 A. Well, the way he spoke "Get the
23 fuck out of here, you guys need to go now,"
24 you know, he only acts that way towards
25 black people. When speaking to white people

M. BOVELL

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2 which I have observed, we have observed,
3 it's very demeaning. Yes, he spoke very
4 condescending towards black people and he
5 told them "Get the fuck out, lock it down
6 now, now, now" and he started hitting on the
7 -- he started hitting on the stalls or
8 something, slapping his hands, you know, so
9 that was disturbing to witness. Other
10 people from the community saw that. They
11 looked at me and I felt I couldn't do
12 anything really because the supervisor is
13 right there seeing this, you know, so that
14 means who am I like -- but I did say
15 something to him later on. I said, "Listen,
16 why you did that?" Because I feel
17 obligated, "Why you did that?" He just
18 looked at me and said "I don't really know
19 what came over me." That was his response.

20 Q. Paragraph 43 says "Sergeant
21 Fegan often made discriminatory and
22 condescending remarks to the black officers
23 in the narcotics unit."

24 A. Yup, my observation the way he
25 interacted with myself and Officer Griffin

M. BOVELL

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2 in comparison to white officers in the
3 office he was very abusive, very
4 condescending and spoke down to us as if we
5 were nothing, as if we were minuscule and
6 worth nothing of no value.

7 Q. Can you give me an example of
8 that?

9 A. For instance, he would use
10 profanity like fuck and why the hell, you
11 know, he would speak aggressively loud and
12 say "Why the fuck did you do this? What's
13 this?" He would interact with myself and
14 Officer Griffin and Griffin is really more
15 laid back. He don't -- but when speaking
16 with a white officer like -- who was it at
17 the time -- Officer Light, he was very vague
18 with it. He didn't really raise his voice
19 at all. Whenever Officer Light took a day
20 off -- every Thursday he will go bowling
21 with Captain Adonaro because Captain Adonaro
22 was really good friends with Officer Light's
23 father who is an attorney so every Thursday
24 and Friday Officer Light will get off and go
25 bowling while we're at work, so he was very

M. BOVELL

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2 favorable to the white officers and really
3 forced because at the time myself and
4 Officer Griffin were very productive and
5 known for being very productive, Officer
6 Griffin especially, so he will push us to
7 get arrests because we were very
8 resourceful. He needed arrest numbers so
9 that he could boost his credibility and to
10 be better than his predecessor, Sergeant
11 McEachin.

12 Q. Other than using profanity and
13 I guess the tone of voice, was there
14 anything else that was discriminatory and
15 condescending about the way Sergeant Fegan
16 talked to black officers?

17 A. Well, he spoke about people in
18 the community like he was a white nigger
19 like he was safe.

20 Q. To you?

21 A. Not to me, in my presence and
22 he used the word, they both exchanged
23 dialogue as if people was nothing and
24 they're superior, so that was demeanor of
25 Fegan and Antonini. They spoke very --

M. BOVELL

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2 well, in my presence and on two occasions
3 that I can remember while driving and I'm in
4 the back, that's how they felt, they felt
5 like people in the community were shit from
6 how they expressed it and people weren't
7 worth anything.

8 Q. Other than Officer Light
9 getting out early on Thursday to go bowling
10 with Captain Adonaro, are there any other
11 examples of how white officers were treated
12 better than black officers?

13 THE WITNESS: By Sergeant
14 Fegan?

15 MR. SWEENEY: Fegan, right.

16 A. He spoke -- he just spoke down
17 to the black officers in the office based on
18 my observation. He spoke down to us and he
19 pushed us harder than he pushed the white
20 officers and he spoke more aggressive and
21 used profanity than the white officers. As
22 of that day when he said "Get the fucking
23 bag up," he never spoke that to Antonini,
24 not Light, you know, that's how he spoke to
25 us and to me.

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M. BOVELL

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Q. What did the bag contain?

A. When you do a search warrant we have to bring along tools to assist us in our work in gathering evidence, so the bag contained gloves, evidence, materials to collect evidence, stuff like that.

Q. It wasn't a bag of clothes?

A. I can't remember that, no, not that I remember. I don't remember.

A bag of clothes? I don't remember that. I believe it was a bag of evidence, tools that we need to do a job when we do a search warrant.

Q. This is Defendant's Exhibit V.

(Handed)

MR. SWEENEY: I believe it's
bate stamped.

Q. Do you recognize Exhibit V?

A. Yes.

Q. What is it?

A. It looks like an MV-5 that I wrote the 29th of July 2013.

Q. Is that the MV-5 regarding your transfer from the detective unit at that

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time?

A. Yeah, this was the first MV-5 when, I believe when we he told me to pick up the fucking bag and we had a conversation, a discussion about what was happening.

Q. And that was the MV-5 that was withdrawn?

A. I believe so. Yes, it looks like it.

Q. There came a time when you generated another MV-5 to be transferred out of the detective bureau following Exhibit V?

A. There came another time when I -- subsequent to this where I saw things were getting worse and I asked to request out of the narcotics unit.

Q. Did you fill out an MV-5 for that, as well?

A. Yes, I sent it. I believe I sent it by email, as well. I copied it to Captain Adonaro, Sergeant Fegan and someone else. I don't remember.

MR. SWEENEY: Off the record.

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M. BOVELL

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(Whereupon, a discussion was
held off the record.)

Q. Officer Bovell, there's an
allegation Number 52 in your Complaint which
it says that [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] is that correct?

A. Yes.

Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

A. He spoke about it freely.

Q. He spoke about it freely?

A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

M. BOVELL

[REDACTED]

Q. Is Captain Adonaro a racist officer?

A. I don't know. My interactions with Captain Adonaro are limited, you know, so I really don't correspond with Captain Adonaro much but other officers did so I really don't know.

Q. Incidents 53 through 58 of your

M. BOVELL

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1 Complaint or 59 of your Complaint allege

2 that [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 [REDACTED]

7 A. Yes, definitely.

8 Q. I think you reference in
9 Paragraph 53 that this incident occurred in
10 early August 2013; is that correct?

11 A. Approximately. In 2013, this
12 is after the meeting initially that I had
13 with -- I believe it was after the initial
14 meeting that I had with Sergeant Fegan where
15 we discussed everything that was going on.

16 Q. Can you describe for me what
17 you mean by these allegations that [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

20 A. Sergeant Fegan was concerned by
21 getting arrest numbers boosted and in that
22 meeting I said to him, "How are you going to
23 push it to 60 arrests when your unit in the
24 past never achieved that?" There's a black
25 book that has the arrests in the office and

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so it's kind of competitiveness. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Q. Did you make a report of -- did
you believe that this action -- these

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actions constituted misconduct?

A. This is not just misconduct. This is just -- this is above my head. If a supervisor could do this, there's no telling what a supervisor could do. This is power that -- I'm the little man on the totem pole and it's been evident throughout my career and a person of my character that stands up for what is right and when I voiced it, it's abuse of power and this is what happens in the Mount Vernon Police Department.

Q. I take it from your response that you did not make a report of this misconduct to any superior in your chain of command?

A. Not that I remember but I spoke about it with Officer Griffin or Detective Griffin. We spoke about it.

Q. Detective or Officer Griffin is not your superior, is he?

A. No, but he's a member of the unit that observed the same incident and others were there, as well; Garcia. I don't know if they made a report.

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Q. You don't know if they made a report but you didn't make a report?

A. Not that I remember.

Q. In Paragraph 60 of your Complaint it says "November 2013 Officer Bovell was constructively discharged from the narcotics unit based on Sergeant Fegan in the units hostile work environment by weightily over impressive discrimination with black police officers and the black residents of Mount Vernon," is that correct?

A. I believe so.

Q. Were there any other reasons that you believe you were constructively discharged?

THE WITNESS: Could you elaborate on that?

MS. BELLANTONI: I'm going to object only because we know that he didn't lodge a complaint. It's legal terminology, so to the extent that he understands legal terminology he can answer the question.

MR. SWEENEY: Maybe I can ask

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it this way if counsel doesn't
object.

As I understand constructive
discharge means a person is forced
off the job, in other words --

THE WITNESS: Forced?

MR. SWEENEY: You quit under
pressure, you have no option but to
quit.

A. Well, based on the type of
officer that I am, yes, I am motivated to
some extent by ambition but my character
sees that and I had to make a choice based
on the person, the individual who I am what
do I want, what do I want to achieve and is
it worth it to condone this type of behavior
and being a part of that, so I channeled
myself that towards something more to my
education, so I started attending school, I
tried to focus on a positive note and I said
I can't be part of this anymore because this
regime. It's a regime and there's no way --
you can't win, so I bowed -- I tried to
gracefully bow out without creating any

M. BOVELL

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waves.

Q. Did you make any record, a memo book entry or any other record of the

[REDACTED]

A. I don't remember but if you check the reports of people who were arrested and interviewed them and did the investigation I'm pretty sure they can tell you who they bought the drugs from. If you do that, they will tell you who they bought the drugs from and on top of that that will show who the CI is.

Q. But you didn't make any memo book entries or records or notes?

A. No, they're in the narcotic unit.

Q. Well, on your home commuter or otherwise, did you make any records or reports of this activity?

A. I don't remember. I don't remember. I can't recall right now.

Q. Paragraph 62 says that "Prior to your reassignment to patrol Detective

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[REDACTED]

Q. Did you make a report to anyone in your chain of command regarding [REDACTED] and another officer was blamed?

A. No, I did not say anything.

Q. Why not?

A. As I was scared that that stuff is serious business. At the time, my mind set based on what I experienced, I was scared like everybody else, yeah, I was scared as anybody else so there was no -- there is no -- in that situation, there's no sure back, you know, or support the way the administration is being ran.

Q. Who was the administration at that period of time that you made the initiative?

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2 A. I don't recall, but I know when
3 he said this was a race war he was telling
4 me that basically the whites have power over
5 the blacks and they're taking control over
6 the police department. That's what he was
7 telling me that it's a race war. So, we
8 were discussing about people in the position
9 as Sergeant Fisher and he said to me "You
10 want to know what's happening? It's a race
11 war." So, he's identifying he's on the
12 white side and he's going to take over and
13 he's for that, he's for them.

14 Q. For white people?

15 A. For the regime, the white
16 regime, the officers that are in power;
17 Sergeant -- then Sergeant Fisher, now
18 Lieutenant Fisher, Sergeant Fegan, Adonaro,
19 you know, that's the regime.

20 Q. And the regime is under the
21 command of an African-American Mayor and an
22 African-American police commissioner?

23 A. I don't remember who the
24 commissioner was at the time. I believe it
25 was Raynor and also I believe the mayor was

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Davis, Mayor Davis at the time.

Q. Mayor Davis is an African-American mayor; right, and Commissioner Raynor is an African-American?

A. Yes, the power -- yes, that's what was happening under that leadership.

Q. Those white officers, those white lieutenants reported to those chain of command individuals?

A. I guess. I really don't know how things function but in the Mount Vernon Police Department things aren't done logically. They run on power, retaliation and how people feel, what circle you're in, you know, your race, you're lease is to a particular fraternity. This is how it works. That's everyday business of the police department. I can only speak about Mount Vernon Police Department.

Q. Paragraph 63 through 72 talks about allegations that you did not get your detective shield after serving more than 18 months in the detective bureau and that other white officers, for example, did; is

M. BOVELL

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2 that correct?

3 A. I believe so, yes.

4 Q. If you know, who has the
5 ability to promote police officers, what
6 level is that done at?

7 A. You know what, I don't know. I
8 really don't know. All I know is based on
9 what I observed and that's what I can speak
10 of. I don't know who makes the decision. I
11 can only assume based on what I observed
12 like who is part of a group, who, you know,
13 that's just how it works because I, myself
14 and other black officers working in that
15 capacity for over 24, 30 months and did not
16 receive our detective shields but other
17 white officers like Detective DeBarro, he
18 got his gold shield in 11 months. Sergeant
19 Fegan looked at me and said "Oh, I got mine
20 in 12 months." Another Detective -- Captain
21 Hunt, she didn't have no experience and she
22 was given a gold shield. Obviously, the
23 right thing -- they can give the gold shield
24 but I don't really know who makes these
25 decisions.

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Q. Do you know if the mayor has any involvement in --

A. I don't know. The Mayor does not run the police department really, you know, at that time. The people who are in the police department runs the police department and reports to the mayor so I don't know how information is transferred, you know, one person says dog, the other one says cat. That's how things are, so I really don't know what information the mayor is privy to but the people who are in the police department runs the police department.

Q. Does the police commissioner run the police department?

A. I would assume so.

Q. Does the police commissioner have any involvement in the awarding of detective shields to police officers?

A. Well, he's the chain of command, you know, police commissioner has the captain that reports to him and he has to make a decision based on their report.

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2 It's all information, you know, the
3 information is if you're the captain or
4 police commissioner and your captains and
5 lieutenants are not giving you the right
6 information, so it starts from who's making
7 these reports and who's manipulating, if so,
8 manipulating their reports to gain their
9 advantage or people who they like so I don't
10 really know.

11 Q. Do you know of any white
12 officers who served more than 18 months in
13 the detective bureau that did not get their
14 detective shield?

15 A. Not that I know of. I know
16 [REDACTED] he was [REDACTED]
17 [REDACTED] and some supervisors didn't felt that
18 he shouldn't have a job but he was still
19 connected and [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED], so I really don't
4 know. Things don't work logically there.
5 It's based on your group, who you belong to,
6 your race, you know, fraternity or who's
7 liked, so you have to be part of the regime
8 in order to get rewarded.

9 Q. When you say regime, you're
10 referring to white officers?

11 A. Well, right now they're are
12 white supervisors -- well, at that time
13 there were white supervisors that ran the
14 department and made the decisions so, you
15 know --

16 Q. Paragraph 73 says "The
17 department through Deputy Commissioner Burke
18 and Captain Goldman continues to promote
19 less qualified white officers over black
20 officers," is that correct?

21 A. Yes, when Detective Burke --
22 I'm sorry, Commissioner Burke came on, he
23 has a son that was on probation or just got
24 off probation. Once he became commissioner
25 he immediately promoted his son, white

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1 officer to the task force unit. A lot of
2 black officers were upset about it and then
3 he was rescinded. So, you know, again,
4 another abuse of power because I'm the
5 commissioner, I have my white son and I can
6 put him in any unit that I want to but other
7 black officers took offense to that who had
8 more experience and time on to that
9 promotion and I guess at some point he was
10 rescinded and then he transferred over to
11 the county, County Police. He got him
12 transferred based on his affiliations.

14 Q. Other than the example of the
15 Deputy Commissioner Burke's son who did not
16 actually get transferred to the task force,
17 are there any other examples to support your
18 allegation that Deputy Commissioner Burke
19 and Captain Goldman continue to promote less
20 qualified non black officers?

21 MS. BELLANTONI: Are you saying
22 that he was not actually transferred
23 to the task force and then was
24 rescinded or are you saying that's
25 his testimony?

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Q. Your testimony was that that assignment was rescinded?

A. He was assigned and then he was immediately taken out of the unit because other black officers were upset about it.

Q. How long did Burke's kid serve in this assignment?

A. I don't remember but it did happen and a lot of people were crying, were upset about that order and shortly after that he transferred him over to County Police.

Q. Other than that example, are there any other examples where Commissioner Burke and Captain Goldman continued to promote less qualified, non black officers over black officers?

A. Based on information from other officers, yes. I'll give you an example. From Officer Lee, a female officer, black officer that's known to be highly productive in the police department, she's been past over numerous times. She's been past over numerous times and even though she's a black

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1 female and highly productive. Her belief
2 also is because her association with me
3 because I was her FTO, you know, I trained
4 her. She was very productive and
5 unfortunately in the police department when
6 you're productive, you have so-called
7 haters, people who actually are upset about
8 your productivity and they raise questions.
9 She was past over. She expressed that to me
10 on repeated occasions. She told me that she
11 expressed that to Sergeant McEachin and
12 Sergeant McEachin concurred what's going on,
13 so yes.

14
15 Q. As I understand your response,
16 you're talking about an assignment for
17 Officer Lee to another position like to task
18 force or narcotics; correct?

19 A. I'm talking about where other
20 less experienced officers were promoted over
21 experienced tenured officers. White
22 officers were promoted over experienced
23 black officers.

24 MR. SWEENEY: That's my
25 question for you. I'm getting

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confused.

Q. Is an assignment to task force or narcotics, is that a promotion or is that an assignment?

A. That is actually considered a promotion.

Q. That's a promotion?

A. Oh, yeah. If you're promoted to task force or detective bureau, that's a promotion. That's going up the totem pole.

Q. Do you get an enhanced rate, more money for task force and narcotics?

A. You're in the detective capacity, investigator capacity so there will be a time where if you meet that 18 months criteria based on your productivity then you'll be promoted to detective. Task force, task force is actually a grade up from patrol. It's actually a grade up in your career showing that you have exemplified the abilities in patrol that you're productive somewhat and it bumps you up, so it points you in the direction of the detective bureau so you go from task force

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to the detective bureau which is what made
me GIU which is general investigation of
narcotics.

Q. As I understand it, you asked
out of the detective bureau in 2014;
correct?

THE WITNESS: Was it 2014?

Q. 2013? You transferred out of
the detective bureau for the last time.

A. The last time, that was in --
maybe the first in 2013 under Sergeant
Fegan's supervision and it was commenced on
-- executed on January 1st, 2014.

Q. Is that the phrase "asking
out?"

A. Asking out -- well, I asked to
-- based on what was happening I asked to
leave the narcotics unit.

Q. Do you know of any other
officer, black or white, who was asked out
like you did and still received his
detective shield?

A. No, not that I know of that
asked out.

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2 Q. Right.

3 A. I know that there was another
4 officer that had similar time that I did,
5 over 18 months, Officer Briley, B-R-I-L-E-Y.
6 He was in the narcotics unit with myself and
7 Detective Griffin and Detective Patterson.
8 He then went to general investigations where
9 he accrued that time and he asked out
10 because he told me that, you know, they're
11 not doing the right thing. He doesn't see
12 the right thing happening, so he asked out
13 and we were actually reassigned the same
14 time to patrol and we had several
15 discussions about that.

16 Q. Did he get his detective
17 shield?

18 A. No, but as soon as we asked out
19 they made -- they made other detectives.
20 From what my understanding what I was told
21 that other black officers that had exceeded
22 time, accrued the time over 18 months such
23 as Officer Griffin, Officer Jones, other
24 white officers, they were made in January --
25 received a detective shield right after we

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asked out. And my understanding is Officer Jones, she was preparing herself to ask out of the unit, as well. She was in the detective bureau and she was upset about why is it that the right thing is not happening, why are the white officers getting their shields and we have to wait over 18 months and she began to make noise about it and due to her affiliations or her husband is a black political leader in the community. The supervisor of management became a little nervous. So, unlike myself and Detective Briley, she was privy to information. She received a phone call from the political office. They said don't ask out the unit because you're going to get made in January. Myself and Detective Briley wasn't privy to that information but they were fearful that they may have people due to her husband's influence in the community may have a backlash on the department and they didn't want to that be publicized. So again, it comes down to your affiliation, what groups you belong to, whether you're white or black

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or whether you're part of a fraternity.
That's the only way -- that's the only way
you're protected in this police department.

Q. Officer Jones, as I understand
it, is an African-American female?

A. Yes, she is.

Q. Her husband is an
African-American leader in the community?

A. Yes.

Q. She benefited from that
relationship through her husband?

A. She benefited -- that instance
that time, yes, she was upset that she
hadn't received her gold shield and she was
about to ask out the unit like we both did,
Officer Briley and myself and they pulled
her to the side because they were afraid
that her husband would get involved.
Because of her husband's political
influence, her husband possesses on the
community, the police department didn't want
that backlash, so politically she was pulled
to the side and given privy to some
information. They said "Don't worry, stay

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where you are. You're about to get made"
which is why she did not ask out of the unit
at the same time we did.

Q. Did she share that information
with you?

A. Oh, yeah, she shared that
information with me.

Q. But after the fact, after she
made detective?

A. After she made detective, yes,
after she made detective. I believe so.

Q. She didn't tell you before
"Hang in there, don't transfer out?"

A. No, no, that was after because
it was a surprise to us that that occurred
so it was really a brush in the face, you
know, like retaliatory. All right, you guys
left here, boom, so we didn't know that. We
had no idea that was happening.

Q. I think I already asked it and
I think you gave me an answer but I just
want to be clear: Regardless of skin color,
black or white, do you know of any officers
that asked out like you did and Briley did

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that later got their detective shield?

A. Right now, not that I know of,
not that I know of right now. I don't
remember.

Q. There's allegations in the
Complaint 75 through 77 that talk about an
officer that was involved in a motor vehicle
accident -- sorry, 76 and 77, an officer was
involved in a motor vehicle accident. He
received harsh discipline under you or the
way it's alleged; is that fair to say?

THE WITNESS: Which officer is
this?

Q. You said "Defendant Burke
disparagingly reprimanded a black officer
for being in a motor vehicle accident under
the local patrol zones by taking 16 hours of
accrued time."

A. Okay.

Q. Then the next allegation 77
says "When the black officer appealed the
disciplinary action, Deputy Commissioner
Burke retaliated against him by suspending
the black officer for seven days without pay

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while other white officers received a lesser penalty for the same type of conduct."

A. Okay.

Q. Do you know what officer that's referring to?

A. I don't remember but I remember having that conversation with -- that particular officer was telling me that information -- yes, [REDACTED] [REDACTED], actually. [REDACTED] [REDACTED], now [REDACTED] [REDACTED] [REDACTED].

Q. What you wrote in here on paragraph 76 and 77 is what officer or now [REDACTED] [REDACTED] [REDACTED] told you about what happened?

A. Approximately from what he told me. He told me that he wasn't involved -- he was involved in an accident, no fault of his and because the administration does not like him, the administration does not like [REDACTED] [REDACTED]. That's what he told me and based on observation and he challenged that, the appeal, the rule, whatever. He went to a department hearing overseen by Commissioner Burke and because of that he

1 M. BOVELL 150
2 told me that he was told if he appealed it,
3 that it would be a harsher fine or
4 disciplinary which subsequently occurred so
5 he voiced to me that there's nothing fair in
6 the police department and that if you stand
7 up and you make any noise and cause any
8 waves then the power that maybe will rule
9 against you if you go against the grain.

10 Q. Deputy Commissioner Burke was
11 the deputy to which police commissioner, do
12 you know; is that Commissioner Raynor?

13 A. Yup, that's correct.

14 Q. Commissioner Raynor is an
15 African-American commissioner?

16 A. I believe so. I'm not sure.
17 He's really light skinned.

18 Q. With respect to your own
19 situation and detective shield issue, have
20 you filed any Article 78 or other legal
21 proceedings over that?

22 THE WITNESS: Other than this
23 suit?

24 MR. SWEENEY: Other than this
25 suit.

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THE WITNESS: Well, are you asking what have I done?

Q. Have you filed any other civil lawsuits in State Supreme Court?

A. I consulted with our PBA attorney at the time which was Greg Addison.

MS. BELLANTONI: I'm just going to remind you your privileged communications with your PBA attorney and that you have no obligation to waive the substance of your communications.

THE WITNESS: Okay.

Q. And Greg Addison as I understand it he's not an attorney, he's PBA president; right?

A. Yes, he's PBA president.

MS. BELLANTONI: Then that
privilege will not apply, so --

Q. He's a sergeant with the police department?

A. Yeah, he's a now sergeant. He

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Q. Did the PBA file a grievance on his behalf?

A. I don't know. Myself along with other black officers were -- have consulted with him. I consulted with Sergeant Fegan at the time and, you know, I don't know what happened. They said they were going to address it and nothing happened.

Q. Did you file your own grievance individually?

THE WITNESS: Grievance as far as?

MR. SWEENEY: The fact you didn't get a detective shield after spending 18 months in the detective assignment.

A. I just consulted with Greg Addison, PBA president at the time and he said that they're going to address it.

MR. SWEENEY: Off the record.

(Whereupon, a recess was taken at 1:06 p.m., examination resumed at 1:40 p.m.)

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MR. SWEENEY: Can you mark
these, please.

(Whereupon, Defendant's Exhibit
W, Email 2-12-13, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
X, Significant Enforcement Activity
Report, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
Y, Handwritten List, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
Z, News Article, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
AA, News Article, was marked for
Identification.)

(Whereupon, Defendant's Exhibit
BB, Log Details, was marked for
Identification.)

Q. Officer Bovell, before we broke
there was some testimony in part as to
certain promotions or assignments or

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decisions being made by kind of who you know
and I think you referred to it as the regime
and you also said personal relationships.

Can you give me some examples of what
types of personal relationships you were
referring to?

THE WITNESS: Can you repeat
that again?

Q. I thought you testified before
we broke that sometimes decisions, promotion
decisions or assignments or opportunities
were driven by who an officer may know; do
you recall that?

A. Yeah, it's all the time. That
happens all the time.

Q. I think we used [REDACTED] [REDACTED]
[REDACTED] as an example of -- she had a special
relationship with her husband which she
benefitted from.

A. Yeah, you can even use as
promotions, civil service promotions.
People are passed over on the list, you
know, people are passed over on the list.
You could be number one, you could still be

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2 passed over. You could be number two and
3 you could still be passed over and it's
4 about if people didn't like you or if you're
5 part of a group, it doesn't matter how much
6 you score. For an example of this is that
7 there are three sergeants that passed the
8 lieutenants list during that time I got
9 injured and Sergeant Sexton, Sergeant
10 McEachin and Sergeant Scott, they passed.
11 They're white officers and they were passed
12 over, you know, unfortunately a white
13 lieutenant was promoted and Sergeant Fisher
14 was promoted allegedly over the weekend when
15 the mayor wasn't around. So, when the mayor
16 wasn't around was promoted to lieutenant on
17 an applied list so, you know, that does
18 happen.

19 Q. Those three African-American
20 sergeants that you mentioned were all as I
21 understand were promoted to lieutenant?

22 A. Under new management recently.
23 They were promoted not under management that
24 I -- while I was under when I got injured
25 and everything.

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2 Q. In terms of groups, can you
3 give me an example of what groups people
4 belonged to that would make a difference for
5 them?

6 A. If you're white or black.
7 That's an example. If you're white or
8 black, you know, you're more favored if
9 you're white. When I just started this job
10 in 2007 they were arguing over black
11 supervisors compared to white supervisors.
12 There were no black lieutenants when I
13 started this job in 2007, you know,
14 eventually under Commissioner Carbell, a
15 black commissioner, that changed a little
16 bit gradually. Blacks or females started
17 getting promoted and so forth. So, yeah,
18 it's been going on for some time.

19 Q. Besides race, white or black or
20 Hispanic, I assume, are there any other
21 groups that could make a difference that you
22 belong to?

23 A. If you like Antonini and you do
24 what they want you to do, do what they wants
25 you to do, you know, you beat up somebody,

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2 you get a job done, whatever they wants you
3 to do, you know, then you're a favorite.
4 Whatever -- if you're regarded as within the
5 circle, if you do what they want you to do
6 with no objection even if it's wrong.

7 Q. Is being part of a mason group,
8 is that a group that would make a difference
9 for promotions or --

10 A. I don't know. I don't know, at
11 least if that's what you're telling me.

12 MR. SWEENEY: I'm just asking
13 the question.

14 A. I don't know.

15 Q. Regarding Sergeant Wuttke
16 advising you -- you call it a write up in
17 your Complaint at Paragraph 83 that you were
18 being placed on a chronically sick category;
19 do you recall that incident?

20 THE WITNESS: You're talking
21 about Sergeant Wuttke, I'm sorry, I

22 --

23 Q. In your Complaint on March
24 29th, 2014, this is Paragraph 83, Lieutenant
25 Wuttke informed you that although he had an

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M. BOVELL

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Immaculate attendance record for two years
he was issuing you a write up for being
absent three times in January 2014.

A. Yeah, approximately at that
time.

Q. Do you recall that incident?

A. Yes, I recall that incident.

Q. Did you have any understanding
as to why you were being written up for
being chronically sick?

THE WITNESS: Why I was being
written up?

MR. SWEENEY: Yes.

A. My understanding is that I was
being targeted because of groups of us were
being targeted because management wanted
their way, you know, I felt that I was also
being targeted by Sergeant Wuttke and
whoever was above him, you know, as a result
of me leaving the narcotics group in the
fashion the way that I did.

Q. In an earlier paragraph,
Paragraph 79 you indicate that "Sergeant
Wuttke was [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] a

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[REDACTED]

A. Yeah.

Q. Are you aware of the

[REDACTED]

A. What I was advised by when I went to the PBA from what I understand that he was [REDACTED] and the way he interacts with his subordinates and they felt, management felt that, you know, [REDACTED].

Q. Was he arrogant or inappropriate with subordinates whether black or white or --

A. You know what, everything is developing because I personally have a problem with him. When I saw him, I was polite. In time I got to learn about him and now experiencing him as my supervisor

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2 and what was happening, you know, him and
3 Sergeant Fegan are very close friends. They
4 worked in the narcotics together. They have
5 a strong relationship, so I never really had
6 a problem. I never objected to anything,
7 you know, really so I discovered all this
8 through some of the information about
9 Sergeant Wuttke through my co-workers and
10 members of the PBA.

11 Q. So, your experience with
12 Sergeant Wuttke was not negative?

13 A. No, my experience with Sergeant
14 Wuttke was definitely negative. I said
15 prior to my direct experience with him.

16 MR. SWEENEY: That was my
17 timeframe in my question.

18 THE WITNESS: Okay.

19 Q. Prior to, I guess him being
20 assigned to you as your sergeant, you didn't
21 have any negative interaction with him?

22 A. No, I did not have any negative
23 interaction other than what I've attained
24 about him working under Sergeant Fisher and
25 he being in the narcotics unit and some of

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the things that he did but I personally
didn't have a problem with him.

Q. I think you said you learned
things about Sergeant Wuttke from other
people?

A. From my understanding I got
information from other co-workers, as well.

Q. What other co-workers provided
you with information?

THE WITNESS: Information like
what?

MR. SWEENEY: Something that
changed your opinion, I assume.

A. Changed -- well, my direct
experience with him changed my opinion.

MR. SWEENEY: Maybe I'm
misunderstanding you.

Q. I thought you said prior to him
being your sergeant that you didn't have any
negative experience with him.

A. I didn't really have any
negative experience with him. I saw him do
things. For instance, there's one time when
me -- myself and Caparro were arresting

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2 someone in patrol. We were in full pursuit.
3 We were trying to apprehend the individual
4 and Sergeant Wuttke along with the unit came
5 around to help. What they did is they did
6 the whole holding the bag trick. They
7 kicked up the suspect, punched him up and
8 left us to handcuff and they went on their
9 way, so that was an experience of, you know,
10 under Sergeant Fisher how they treated
11 people in the community and they left the
12 holding bag trick where they beat someone
13 up. They helped apprehend the person but
14 they threw him on the ground, you know,
15 aggressively and the person might have a
16 swollen mouth or face and that particular
17 incident, that was Caparro's case, Caparro's
18 arrest and, you know, we handcuffed the
19 person and they just drove away.

20 Q. Did you observe Sergeant Wuttke
21 and Antonini kicking this suspect?

22 A. Yeah, they kicked up the
23 suspect and then, you know, then they left.

24 Q. What timeframe was this?

25 A. This was around -- this was in

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-- this was early when I just started working patrol; approximately 2009, maybe 2009, approximately 2000 -- but it was when Sergeant Wuttke worked under Sergeant Fisher along with -- sorry, Sergeant Fegan. He was a detective at the time, and there's another individual but I forgot the officer's name.

Q. Where was this location?

A. It was -- let's see. I can't really remember. It will come back to me so right now --

Q. Did you make a report of that misconduct to anyone in your chain of command?

A. Did I, no, I did not.

Q. Why not?

A. Because I wasn't the only one who observed it. Everyone else saw that -- Detective Caparro saw it. It was his arrest, you know. When I just started this job in 2007 Bill Burke, he told me -- he's a black officer and he told me that when he just started there were really no black officers and there's an incident that he got

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involved in. He arrested someone and a similar situation occurred where other officers, white officers came on the scene, beat up the suspect and the suspect was left with perhaps some bruises or some injuries and he was like holding the bag, it was his arrest but he said that as a black officer you can't speak up against a white officer so what happened was that he ended up getting sued and he was fined civilly for that incident and he had to pay money but he said he couldn't speak up against the white officers, that you would be in a whole lot of trouble.

Q. Your allegation regarding Sergeant Wuttke [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

A. That happened -- that occurred several times, actually.

Q. That he was [REDACTED] [REDACTED]
[REDACTED]

A. Oh, yes.

Q. [REDACTED] [REDACTED]?

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[REDACTED]

Q. Do you know what supervisors

[REDACTED]

A. I'm not sure. I don't remember right now. I don't remember but that information was given to me by PO Butler, the person who did that report and also by Officer Evans. He told me that Butler had told him, as well.

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Q. So, you didn't observe this, this was told to you by other officers?

A. Yes, officers that were involved.

Q. So, you don't have firsthand knowledge of this, this is what other people told you?

A. This is what other officers advised me.

Q. Getting back to Paragraph 79 regarding the reputation of condescending and demeaning conduct towards black subordinates.

Did you experience Sergeant Wuttke being condescending and demeaning to you with any other black subordinate?

A. Yes, I observed him shouting -- I observed him shouting in a condescending manner to another black officer. I don't remember his name. He transferred. I spoke with other officers who observed his demeanor and how he speaks differently to other white officers compared to black officers, so yes.

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Q. For example, what did he say that was condescending or demeaning that you remember?

THE WITNESS: Towards whom?

MR. SWEENEY: To you or to anyone else, any other black subordinate.

A. He spoke a lot -- he used profanity, spoke aggressively loud in a condescending manner. He's superior. I mean, he's supervisor as if the person doesn't have any sense. That's the arrogance. I've seen it, I've heard it but I've witnessed it firsthand myself and that particular officer, I saw him behaving that way too now who's now transferred. He's a black officer.

Q. Who is that?

A. I don't remember his name. Right now I don't remember his name.

Q. Besides I guess the voice level and profanity --

A. He used things like -- the words like "You stupid" and things to make

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someone feel as if they're less than what they are so that's his method of dialogue when speaking to certain black officers.

Q. Do you think he treated white officers differently?

A. Oh, yes, definitely. According to other officers that I've spoken to that observed his demeanor, yes. Other black officers, they advised me of this, as well.

Q. What other black officers have you spoken to that can confirm this?

A. Officer Lee.

Q. Avion Lee?

A. Avion Lee, that's correct.

MR. SWEENEY: A-V-I-O-N.

A. I believe that's her first name. I'm not sure.

Q. Anyone else besides Officer Lee?

A. I don't remember right now. I don't remember right now; perhaps other officers, yes.

Q. Getting back to the chronic sick write up that occurred in March of

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2014, did you understand the criteria for
being written up on chronic sick?

THE WITNESS: Understand what
exactly?

Q. Like did you have to be out so
many times on sick in order to be written
up? Was there a metric, was there --

A. You know what, this is what I
was told by -- when Officer Wuttke was
writing me up. He said "I don't know why I
gotta write you up. I was told to write you
up." I said to him, "Is this a verbal -- a
counseling or written up?" He said "Both."
Normally part of the procedure is you're
counseled. If they see that you're going
off the edge, you need to tighten up you're
counseled but he told me no, it's counseling
and a write up. I was told you have an
exceptional record as far as sick and that's
what he told me. So, he told me that he's
basically being forced to write me up.

Q. Did you suffer any career
negative consequences because of that
chronic sick write up?

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A. I don't know.

Q. Okay.

A. I'm here today, so I don't know.

Q. What do you mean you're here today?

A. Meaning that as a result of me responding and feeling that I was written up unfairly by Officer Wuttke and whoever's demand it was. I sent an email to my superiors about that incident and subsequently to that I was retaliated upon by management Officer Wuttke where he relied on my evaluation, you know, so I'm here today.

Q. I'm showing you Exhibits F and G which are bate stamped.

(Handed)

Q. Do you recognize Exhibits F and G?

A. F and G, yes, this looks like an email, a copy of an email that I sent to a supervisor and Wuttke.

Q. What is Exhibit F?

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A. F, that's a copy of the email where it's indicating who I sent it to.

Q. Exhibit F is a copy of an email which has an attachment to it?

A. Yes.

Q. And the attachment is Exhibit G?

A. The attachment is an MV-5 of concerned sick days, discrimination and retaliation. That's what it indicates. It's dated March 29th, 2014.

Q. The MV-5 which is a two page document, is that the MV-5 that you generated?

A. It looks like it.

Q. Were you required to do the MV-5 or did you take it on your own to generate the MV-5?

A. I discussed it with my PBA representatives on what was going on. I advised them that I was going to do it and consulted with certain PBA members and I generated and I submitted it.

Q. Does that Exhibit G, the MV-5,

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2 does that set forth your complaint regarding
3 your being written up for being chronically
4 sick?

5 A. It includes that and other
6 things, other things that occurred during
7 that time.

8 Q. What other things, for example?

9 A. During the -- particularly that
10 same month, I believe, I asked my superior
11 at the time submitted a slip for time off,
12 comp time/sick time off because I was in
13 school and I needed to do an exam and so
14 forth but I was denied. I asked -- I went
15 to the supervisor which is Captain Hastings
16 who is a white officer, my superior and I
17 asked him, you know, is there any way, you
18 know, you can approve this because I'm going
19 to school, you know, I'm trying to do some
20 things as far as my education is concerned
21 and I knew there's not much resource for the
22 police officers in the Mount Vernon Police
23 Department pertaining to school and he said
24 no, you know, there's nothing he could do
25 and I had to come into work, so I came into

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1 work. A week or two later I called out sick
2 because I was sick. I get a phone call from
3 now Lieutenant Curzio, C-U-R-Z-I-O. He
4 leaves me a voicemail to call him back and I
5 did. He says to me that Captain Hastings is
6 is upset that you called out and I said why.
7 Apparently you asked for some time off and
8 you didn't get it and now you're out sick.
9 I don't understand. He said Captain
10 Hastings is upset so I didn't understand the
11 nature of that because we're professionals
12 and it's not personal so I don't know why it
13 was taken personal for Captain Hastings
14 being upset. I was sick at home. I was
15 home sick. I was drinking tea so that along
16 with the unfair write up by Sergeant Wuttke
17 was retaliatory in nature.

18
19 Q. Retaliatory because of your
20 complaint regarding the comp time?

21 A. No. Well, retaliatory in the
22 sense that who am I and who are you asking
23 for time off and who are you to call out
24 sick, you know, I -- you know, it's just
25 mind boggling to me. He called me and said

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Captain Hastings is upset. Upset for what?

They take sick days. [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] So, subsequently after I sent this email, I guess peoples' feet started shuffling and I guess as I stated there am I the only one being treated this way, you know, so they sent out an order for other people being disciplined, as well as a result of my email.

Q. I'm not catching that.

They sent an email?

A. As a result of me sending this email saying I was being unfairly treated they quickly shuffled their feet to make things right, to try to make things right where I pointed out where other supervisors called out many times and have never received any write up but because of this email they were counseled as a result just to cover their tracks.

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Q. Other officers were counseled for chronic sick after you generated --

A. Supervisors, I'll say supervisors because supervisors are untouchable. If you're a supervisor you get away with a lot of things and that's the way it is in the Mount Vernon Police Department so there [REDACTED] as far as supervisors. Supervisors get into trouble. They have high privilege because they're on the side with the power. We have one PBA and the PBA represents both supervisors and subordinates.

Q. So, in this case after you generated your MV-5, Exhibit G, the supervisors were counseled for chronic sick?

A. [REDACTED]s. They came out with an order to counsel and I remember going into the office when he was counseled -- written up or counseled and he was upset with me as a result of me sending this email because as a result of me sending this email it shed light on things that where they're unfair about where a

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supervisor didn't get preferential treatment compared to other officers.

Q. And your email which is Exhibit F was sent to Commissioner Raynor and other people; correct?

A. Other people including Captain Goldman. Captain Goldman was promoted Chief Goldman who recently [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Q. There came a time where you received an evaluation from Sergeant Wuttke or was generated by Sergeant Wuttke.

That would have been in May of 2014?

A. Approximately at that time in 2014. Subsequent -- after this written up and that email regarding sick time, yes, Captain Wutte did an evaluation after shortly being assigned as my supervisor.

Q. I believe in your Complaint at allegations Number 87 through 96 you allege that Sergeant Wuttke created a false evaluation in that he lied; is that correct?

A. Oh, hell yes; yes, definitely.

Q. What's the basis -- first of

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all, why don't you tell me what happened regarding your evaluation.

A. Well, not to generalize but a lot of other officers know that I'm a very active police officer so the indication being, whatever -- the substance that was indicated on my evaluation by Sergeant Wuttke was obviously incorrect. He indicated that I had one arrest and that I was a negative influence of my FT because that year when I went back to patrol because I was already an FDO. They assigned me to the FDO program and I was FDO in a few of the recruits, new police officers and under my FDO, under my guidance, they did very well. They received during the same time good evaluations from other supervisors but on that particular evaluation as I remember everything about it was falsely inaccurate. Sergeant Wuttke knows that I was a very active police officer but he was upset, obviously. He was upset about the email that I sent so it was an opportunity for him to exercise his authority and his power over

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me, so that evaluation was administered not by Sergeant Wuttke. It was done by Sergeant Wuttke but in the particular day it was given to me by Sergeant Scott, a black sergeant. He said to me "Listen, I did not do the evaluation, Sergeant Wuttke but he's not here." I asked him, "How is he not here to administer this whole evaluation to give me an opportunity to discuss it with him if I do not concur so this way we can have an understanding?" He said he don't know. So, we went over the evaluation. I said, "I do not concur with it because it's totally incorrect. I'm an active police officer. I really don't understand why these numbers are not accurate and his summary of me in my evaluation is inaccurate and he knows I'm an active police officer," you know. He said "Listen, you have to take it up with Sergeant Wuttke." So, you know, at that time Lieutenant Gallagher was there, a white supervisor. I was a little bit reluctant to sign the evaluation but Lieutenant Gallagher said I better sign the evaluation or I'm

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1 going to get written up. I said, "What if I
2 don't agree with it, why do I have to sign
3 something if I don't agree with it?" "You
4 have to sign it to say that you received
5 it." So, I signed -- after him threatening
6 to write me up, I signed one part of the
7 evaluation and I asked for a copy. At
8 first, they didn't want to give me a copy of
9 my evaluation which I don't understand but I
10 asked again and he gave me a copy. I then
11 appealed it. I appealed it, I submitted the
12 appeal to Lieutenant Gallagher. He went
13 into the back office where Captain Hastings
14 and Deputy Chief Dumser, I believe. He was
15 there and he took my appeal for my
16 evaluation which Sergeant Wuttke wasn't
17 present for. So, I did that. I followed
18 the rules and regulations, department rules
19 and regulations and nothing was done.

20
21 Q. Well, what do you mean nothing
22 was done?

23 A. When I say nothing was done, I
24 -- subsequent to that, I went across the
25 street to the human resource department, Ms.

M. BOVELL

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2 Judy Williams. I spoke to her about what
3 was happening in the police department. Ms.
4 Judy -- she's commissioner of human
5 resources. I told her how I felt that I'm
6 being attacked racially and I'm being
7 discriminated, I'm being bullied by
8 supervising management, administration in
9 the police department. We sat down and we
10 had a detailed discussion of what was
11 happening, what I saw. I told her my
12 experiences and she asked me why I didn't
13 went to other resources like Internal
14 Affairs and she said to me that I've heard
15 stories about Internal Affairs from other
16 officers and I can see why you didn't go
17 there and at the time Internal Affairs was
18 being lead by Lieutenant Olifiers who is a
19 Caucasian police officer.

20 Q. Did there come a point in time
21 where the evaluation was amended?

22 THE WITNESS: Amended?

23 MR. SWEENEY: Corrected.

24 A. This was after I filed my
25 Complaint with the EEOC. I filed my

M. BOVELL

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2 Complaint with the EEOC. This happened in
3 May. The incident that happened in May
4 that's when I reported to approximately at
5 that time I went to human resources, Ms.
6 Judy Williams. The commissioner is the one
7 who told me that I need to draft something
8 that she can work with and she's going to
9 schedule an appointment with the mayor. She
10 said that she knows the Internal Affairs is
11 corrupted and she knows this is why I came
12 to her and she understands how the
13 administration is and she's going to set up
14 an appointment with the mayor so I could
15 speak with him and she will call me back.
16 The following day I submitted -- not the
17 following day but during that week I
18 submitted the documentation that she needed
19 to her office, I called her and she said she
20 received the documents and she will get back
21 to me. She never did. In light of me doing
22 that, I expected an investigation which is
23 the process. They have meetings, they pull
24 -- nothing happened, nothing happened even
25 with my appeal, nothing immediately

M. BOVELL

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2 happened. Nothing happened at all. I had
3 discussions with Commissioner Raynor
4 pertaining to what was happening. Nothing
5 was done. I received word by someone close
6 to Commissioner Raynor, a very close friend
7 that he told -- he advised him to fix it and
8 it was never done, you know, the chain of
9 command. That's, you know -- there are
10 times when I will be in Commissioner
11 Raynor's office and Deputy Chief Burke will
12 walk in and they'll use profanity towards me
13 and curse at you in disagreement;
14 unprofessional. So, I really don't know
15 what's going on.

16 Q. Did there come a point in time
17 where your evaluation was amended?

18 THE WITNESS: Amended?

19 MR. SWEENEY: Like fixed.

20 THE WITNESS: Changed?

21 MR. SWEENEY: Yes.

22 A. I think so, later on after I
23 filed my objections with the EEOC and we
24 were in mediation. I guess it was fixed
25 then but not during the course of time. It

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took months. It took months.

Q. Was it corrected or fixed to your satisfaction?

A. No, it wasn't fixed to my satisfaction.

Q. What was wrong with the amended evaluation?

A. I can't remember. Sergeant Wuttke did call and apologize that he was wrong in what he did, but that it really wasn't fixed to my satisfaction at all, complete satisfaction. It was better than initially and more truthful but it wasn't complete to my satisfaction.

Q. I'm going to hand you what's been marked as Exhibit G. Show it to your attorney and that's bated stamped, as well -- J, I'm sorry.

(Handed)

A. Yeah, this appears to be the initial evaluation which is evaluation period from April 1st, 2013 to March 31st, 2014, so Sergeant Wuttke was my supervisor from February of 2014 and he did an

M. BOVELL

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2 evaluation of me from April 1st, 2013 to
3 March 31st, 2014 and this evaluation as it
4 says in here concluded that I have one
5 arrest, zero summons during that whole time
6 as an active police officer and that my
7 attitude and work interest needs
8 improvement, my professional relationship is
9 satisfactory, initiative is satisfactory,
10 quality and quantity of work needs
11 improvement and appearance satisfactory,
12 judgement satisfactory, everything else
13 satisfactory and do you wish to appeal this
14 evaluation? I circled yes and I said I
15 disagree with this evaluation in its
16 entirety.

17 Q. Then there came a point in time
18 where you made a complaint to the human
19 resources person at the city over that
20 evaluation; is that correct?

21 A. Yes, immediately following this
22 evaluation and the write up pertaining to my
23 sick time.

24 Q. I'm handing you Exhibits H and
25 I which I believe are also bates stamped.

M. BOVELL

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(Handed)

A. A letter -- some of what I submitted to Ms. Williams.

Q. You're looking at Exhibit -- is that G? What exhibit are you looking at?

A. H and I.

Q. So, were there attachments to Exhibit H?

A. Yes, I attached the previous MV-5, I believe.

Q. On a chronic sick leave, that one?

A. I believe so. I don't remember. I'd have to check again but there's more information that I attached that I submitted to Ms. Judy Williams based on our conversation.

Q. Was Exhibit H and I submitted at the same time, as well as other documentation?

A. Yes.

Q. Exhibit -- I think it's H over there references that you had a discussion with human resources person; is that

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correct, at the first sentence, I think?

A. Yes, that's what it is.

Q. The basis for your complaint is memorialized in Exhibit H, that's what you were complaining about?

THE WITNESS: In Exhibit H or

I?

Q. Well, Exhibit I looks like a form that says essentially see attached; right?

A. Okay.

Q. And attached, I assume is Exhibit H which is your three page narrative complaint?

A. Yes, some of the documentation that I attached. It looks that way.

Q. Except for any attachments which might have been the performance evaluation and maybe the chronic sick, MV-5 that you referenced, were there any other attachments to that document?

A. Not that I remember right now.

Q. Did you have any other complaints regarding how the police

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M. BOVELL

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department's treating you at that time other
than what's set forth in --

THE WITNESS: Written
complaints?

MR. SWEENEY: Yes.

A. I know that Judy and I, we
spoke about a lot of things and she said
she's going to set up a meeting with the
mayor. That never happened and we spoke
about things that she's already aware of in
the police department, [REDACTED] and
certain departments in Internal Affairs but
this right here seems to be one of the
documentation that I submitted to her. I
don't remember the others right now that I
--

Q. When you [REDACTED] within
the police department, what are you
referring to?

A. Well, she said that to me that
she's aware -- she asked why I didn't go to
Internal Affairs, why I didn't go to
Internal Affairs and I began to speak about
[REDACTED] of Antonini, Sergeant Fegan

M. BOVELL

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2 and things that they were doing and what I
3 was experiencing now from supervisor
4 Sergeant Wuttke and so forth, so she told me
5 to put something on paper that she could
6 work with it and begin an investigation and
7 she's going to set up a meeting with me.
8 She's going to set up a meeting with me and
9 the mayor which never happened. That never
10 happened, as well. So, nothing was done
11 with my appeal, no follow-up from the mayor,
12 no protocol where someone makes a complaint
13 [REDACTED] [REDACTED] in the department or
14 harassment, nothing was done.

15 Q. As I understand it from your
16 previous response, your performance
17 evaluation was appealed and was amended and
18 you're saying was not to your satisfaction?

19 A. Not completely because before
20 it was amended later -- this was
21 approximately when I was in mediation with
22 the EEOC. Nothing was done. They had
23 months to rectify the issue, management,
24 Commissioner Raynor was aware of it, it's
25 safe to say the mayor, Judy Williams was

M. BOVELL

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2 aware of what was going on; months. This
3 was amended when I -- in 2014, September of
4 2014 I got injured. These incidents
5 occurred before May of 2014 and subsequent
6 to that is when this issue was amended,
7 amended and I got -- I received a phone call
8 while I was out injured from Sergeant Wuttke
9 apologizing during the mediation, during the
10 mediation process. So, they were actually
11 forced to fix -- attempted to fix the
12 situation and not by a third party and not
13 by a body, Mount Vernon body itself as Mount
14 Vernon Police Department.

15 MR. SWEENEY: Can I have that
16 marked, please.

17 (Whereupon, Defendant's Exhibit
18 CC, Personal Performance Evaluation,
19 was marked for Identification.)

20 Q. I'm handing you now Exhibit CC.

21 (Handed)

22 Q. I ask that you take a look at
23 that two page document which I believe is
24 bated stamped.

25 A. Okay.

M. BOVELL

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Q. Is that -- is Exhibit CC the amended evaluation that was provided to you?

A. It appears that way.

Q. You indicated that that amended evaluation was still not satisfactory?

A. It's not because it's indicated that Sergeant Wuttke's evaluation is due to an error. It was an intentional lie. It was retaliation upon me as being a police officer that stood up, as a black police officer. That's all lies. When he called me, he indicated that he received incorrect information from someone in the SSD where that same individual told me that when I went to get a copy of my records, they told me that's not the information you asked for and said that that's not what you wanted -- that's not the information you wanted from her, so that's totally inaccurate. This is another attempt for him to cover up his tracks. So, you know, everything is a lie here. All my time in narcotics, you know, my previous evaluation to this was definitely above and beyond which was done

M. BOVELL

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2 by Sergeant McEachin and again this time
3 period covers this evaluation, covered a
4 time where Sergeant Wuttke was not my
5 supervisor. So, in the event, this is an
6 unfair evaluation because how can he give me
7 an evaluation when he wasn't even my
8 supervisor, you know, it doesn't make any
9 sense. Yes, this is below even though he
10 fixed the quality of work, this is below my
11 productivity and I do not even agree with
12 this evaluation. This is false.

13 Q. Did you appeal that amended
14 evaluation?

15 A. I was out injured. I was under
16 a lot of pressure. I was going through a
17 lot mentally. I was not at work so I didn't
18 have the opportunity which is why I was
19 going through the EEOC which is why I filed
20 my application for the EEOC. I had to go
21 through a third-party entity, third-party
22 entity to intervene in what was happening
23 because I realized there's no justice when
24 you seek help or justice within a police
25 department. The resources are not ideal.

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M. BOVELL

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The resources are not impartial. The resources are not -- there's no justice so I have to go somewhere in order to get justice.

Q. The answer is you didn't appeal that amended complaint?

A. I didn't have the opportunity to. I was out injured.

Q. When Sergeant Wuttke called to apologize for the errors that were done with your evaluation, did you tape that phone call?

A. Yes, that was recorded.

Q. Did Sergeant Wuttke know he was being recorded?

A. I don't know.

Q. How would he know?

A. I don't know. I don't know -- did I tell him he was being recorded, no, I did not.

Q. Do you record other phone calls?

THE WITNESS: Of whom?

MR. SWEENEY: I don't know.

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M. BOVELL

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Q. Do you record other phone calls?

A. Yes, I recorded other phone calls, yes.

Q. Why did you record the phone call?

THE WITNESS: What phone calls?

MR. SWEENEY: Well, start with Sergeant Wuttke's.

A. Well, you know, when we call to the police department, certain phone calls are recorded. There's a lot of phone calls where I called the police department and I didn't know that I was being recorded. The sergeant never told me that I was being recorded, so I don't be safe to assume that I'm being recorded. There was a phone that during my injury I was speaking to Sergeant Sexton and during the end of our conversation he tole me that "Oh, this is being recorded." I didn't know phone calls to the desk were being recorded, so that's what I was told.

Q. But Sergeant Wuttke, as I

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2 understand it, called you at your house or
3 no?

4 A. No, he did not call me at all.
5 I was going to physical therapy and I made a
6 call to the desk not knowing that these
7 calls are recorded but based on -- I feel
8 based on [REDACTED] that I have
9 experienced, the unfairness and cover ups
10 that I've observed and witnessed, you cannot
11 rely on the Mount Vernon Police Department
12 to do the right thing, so I have to make
13 sure I cross my T's and dot my I's to
14 protect my best interest. So, I called to
15 tell -- I called in the morning to tell
16 Sergeant Wuttke that I was going to the
17 doctor and he answered the phone and I
18 checked out as a routine and when I called
19 back I spoke with Officer Leone. I called
20 back to say I was back in the house and
21 Officer Leone said "Hold on, Sergeant Wuttke
22 wants to speak with you." Sergeant Wuttke
23 then came on the phone which I assume was
24 also being recorded by the Mount Vernon
25 Police Department. I don't know if they

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1 still have those records or maybe been
2 destroyed but he came on the phone and
3 apologized for the evaluation. I said to
4 him, "Can we do this another time because
5 I'm out injured and face to face. I would
6 like the opportunity, you know, just like in
7 the EEOC, the opportunity to discuss this
8 issue with you. As I documented it in my
9 memo book subsequent to the incident, you
10 know, in May. I placed in a memo book entry
11 that there's been a couple of days that
12 Sergeant Wuttke gave me my unfair
13 evaluation. I've seen him a couple times
14 and I appealed it and nothing has still been
15 done. He has not addressed me. I've seen
16 him when he supervised me in certain tours.
17 Even though we have steady tours and
18 supervisors have a rotating tour, he has not
19 addressed me. He deliberately avoided me.
20 He didn't want to make eye contact, he
21 didn't want to say anything to me because
22 obviously he felt what he did was wrong and
23 he knew what he did was wrong. He was
24 afraid of any type of confrontation. As a
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supervisor, again, he failed as a supervisor to do the right thing. The right thing was to address your subordinate as to why you wrote those things. Even if he had done that, that would give him the opportunity to resolve anything between us and he didn't do that as a supervisor should.

Q. You said in your prior testimony that Sergeant Wuttke lied on your first evaluation and it was a false evaluation; do you recall that?

A. I don't remember, but he did lie on my first evaluation.

Q. What's the basis for your belief that he lied, like an intentional untruth?

THE WITNESS: On the valuation of -- the first evaluation --

MR. SWEENEY: Yes.

THE WITNESS: -- where he wrote that my performance is not satisfactory and quality of work is poor?

MR. SWEENEY: Yes.

M. BOVELL

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2 A. It's accumulative of things
3 like we discussed earlier, there are events
4 that occurred where Sergeant Wuttke was
5 upset the way I responded to some of his
6 actions. The email that was sent
7 criticizing how -- where I mentioned that
8 spoke about him briefly about how he -- some
9 of the things that he got involved with,
10 negative things and [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] He felt that that's
12 a direct attack on me and this was his
13 opportunity to retaliate against me and to
14 lie as a result of that. It was his power
15 which he's known for doing. He's known for
16 speaking to other black officers by using
17 his authority, one of the reasons why he was
18 demoted in the past and he took this
19 opportunity being that he felt comfortable
20 or protected by the supervisors, white
21 supervisors that perhaps have his back and
22 he proceeded to do so. So, yes, it was a
23 lie because Sergeant Wuttke even
24 complimented me in the past that I'm very
25 active and this is before him and I had any

M. BOVELL

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2 type of negative conflict. He was aware of
3 my productivity, so for him to put that I
4 have one arrest shows his incompetence, you
5 know, his lack of inability to supervise
6 because if you're a supervisor or if you're
7 a good detective that you work in that
8 capacity before you're a supervisor. He
9 knows that he has to utilize all his
10 resources and do a research before he draws
11 a conclusion so that he could be impartial
12 and have a positive and feared conclusion.
13 This evaluation was driven on emotions and
14 driven on hate, driven on retaliation,
15 driven on abuse of power and it's very
16 obvious.

17 Q. I'm showing you Exhibit P which
18 I think appears to be and it's bates stamped
19 that was provided by your attorney. It
20 appears to be a photocopy or images of your
21 memo book; is that right?

22 (Handed)

23 A. It appears that way.

24 Q. Those are the memo book pages
25 where you noted Sergeant Wuttke's non

M. BOVELL

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1 contact with you regarding your evaluation?

2 A. Some of which from what I
3 remember, one included here is also when I
4 -- when I showed up for work I was feeling
5 sick and Sergeant Wuttke was on the desk. I
6 told him that I wasn't feeling well and he
7 told me that there was no RMP's.

8 Q. RMP is?

9 A. I'm sorry, a police vehicle
10 because where we do Con Ed details we have
11 to guide traffic and I told him I wasn't
12 feeling well and someone else could cover
13 the shift and he said no problem. I also
14 consulted with Greg Addison. Greg Addison
15 was upset but I told him I wasn't feeling
16 well and, you know, I went home. The next
17 day I was advised I was taken off the Con Ed
18 list and bold letters was next to my name.

19 Q. Why is Greg Addison who's I
20 think the former police PBA union president,
21 why was he upset?

22 A. I don't know why. He looked at
23 me and said "You got to play the game." I
24 said, "I'm sick." "Well, you got to play
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M. BOVELL

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1 the game." He was more upset because it's
2 going to draw an issue in the police
3 department. I guess there's no RMP's
4 because -- we had a conversation that the
5 reason there's no RMP's is because the city
6 is not paying the bills and, you know,
7 officer safety is not priority. A lot of
8 times we go out into the field and work and
9 the RMP's are broken half the time and not
10 functional, not functioning properly and the
11 city is not paying the mechanics to fix the
12 police vehicles so he was afraid that it
13 would draw attention to a bigger issue, but
14 I said I'm not feeling sick and my intention
15 was to put my best foot forward but knowing
16 that there were no police vehicles on this
17 detail it's just going to make a disaster
18 with my situation so it was, you know, as
19 again, my safety is priority, you know, than
20 anything else.

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22 Q. That Con Ed incident is what
23 you reference here in your Complaint at
24 Paragraphs 105 through 110; is that correct?

25 A. That's right.

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M. BOVELL

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Q. That occurred on July or on or about July 28th, 2014?

A. July, I believe so; approximately.

Q. Were you offered a marked police van to take out to the Con Ed detail?

A. Not that I remember.

Q. Is there anything that would refresh your memory as to whether or not you were offered a marked police van?

A. Not that I remember. I remember being told that there were no police vehicles and I made the decision to go home because I wasn't feeling well.

Q. But if there was a marked police van that was available, you would have used it?

A. If there was a vehicle that was available to me, yes, I would have utilized it.

Q. I'm going to show you what's marked as Exhibit M which I think is images of a text conversation between yourself and another police officer.

M. BOVELL

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(Handed)

A. This seems like a conversation -- a copy of text messages between me -- messages between myself and Officer Villaneuva, Jeremy Villanueva.

THE WITNESS: I don't even know how to spell it.

MS. BELLANTONI:

V-I-L-L-A-N-U-E-V-A.

THE WITNESS: Okay.

Q. Those text messages, does that pertain to the Con Ed incident you just described?

A. Yes, it looks that way.

Q. What is Officer Villanueva's relationship to the Con Ed detail that we're talking about?

A. He works in the admin office, personnel office, so I guess one part of his responsibility is to assign people to overtime details, you know, if you submit for time off he will submit that for you. You send it back to him and he will submit it to the supervisors and one of his role is

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M. BOVELL

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if there's overtime he will call you to let you know and ask you if you're available to do the overtime.

Q. The Con Ed detail we're talking about is an overtime assignment?

A. Yes, it's an overtime.

Q. Are you paid by the city for that or by or through Con Ed for that?

A. I don't know. My checks come from the City of Mount Vernon. I don't know what type of --

Q. Reimbursement?

A. Yeah, I don't know but all my checks are from Mount Vernon, not through a third-party vendor.

Q. The remark where it says do not hire for this Con Ed position, do you know what put those --

A. Okay, I don't know. Subsequently it was done the day after -- about the day after -- about the day after. I called out sick that day. I don't know who exactly did it but it was done. I expressed to my supervisor at the time that

M. BOVELL

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2 I was genuinely sick. There's no reason to
3 retaliate and take me off Con Ed because I
4 was sick unless someone spoke bad about me
5 and wanted their way and as a result, a
6 negative result which is what occurred or
7 someone felt that I was disingenuous and did
8 not believe what I was saying so he
9 retaliated and took me off the list, you
10 know, so I do not know. Only I can assume
11 but my -- I was genuinely sick so I don't
12 see no reason why I would be taken off the
13 overtime list.

14 Q. What were you sick with, what
15 was your ailment?

16 A. I was -- I don't remember at
17 the time but I was sick. I remember going
18 home and I also remember actually driving
19 past Sergeant Wuttke because he -- Sergeant
20 Wuttke apparently lives in my neighborhood
21 so I remember driving past Sergeant Wuttke
22 that day when I went back home.

23 Q. Do you think Sergeant Wuttke is
24 the one that put the entry in the records?

25 A. You know what, I can't tell --

M. BOVELL

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2 say. It does point in that direction,
3 someone who perhaps did not feel I was
4 genuinely sick and reported and spoke
5 negatively about me and influenced that
6 decision to take me off the Con Ed list.
7 You know, people get sick. If you're sick,
8 it doesn't mean that you should be taken off
9 the list. Your health is priority. If
10 you're sick, you shouldn't even come to work
11 because you risk infecting or giving someone
12 else your sickness and that's going to
13 affect the work force but sometimes you have
14 to show up to work and for them to see that
15 you're sick, you know, put your best foot
16 forward. Unfortunately in the police
17 department you're guilty until proven
18 innocent, the Mount Vernon Police
19 Department.

20 Q. I'm showing you Exhibit N which
21 I believe is bated stamped. I could be
22 wrong.

23 (Handed)

24 A. Okay.

25 Q. Do you recognize Exhibit N?

M. BOVELL

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A. Yes, I believe so.

Q. What is Exhibit N?

A. It says "Charge Of Discrimination." This form is effective -- privacy act of 1974; EEOC Charge Number 520201402659. It has my name on it, Murashea Bovell. It has my phone number, my place of residence, the Mount Vernon Police Department address. It indicates Murashea Bovell shall not be employed by the Mount Vernon Police Department and the date and time and it goes on to indicate that on March 29th, 2014 my supervisor gave me an inferior write up which I reported to management and Sergeant Wuttke then evaluated me and issued an unfair evaluation and it goes on to say --

Q. So, that exhibit represents your filing of the charge with the Equal Employment Opportunity commissioner?

A. Yes.

Q. There came a time where you supplemented your charge with a narrative? I'm handing you Exhibit O which I believe is

M. BOVELL

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bate stamped.

(Handed)

A. I submitted quite a few documents to EEOC in support of the circumstances.

Q. Exhibit O represents a narrative statement by you as to how you believe you were discriminated against?

A. Yes, it does. It does appear to have my signature on Page 3, 3 of 3.

Q. Does that document, Exhibit O, represent your complaints against the Mount Vernon Police Department of racial discrimination as of that time?

THE WITNESS: Racial discrimination?

Q. I assume that was the basis for your charge; right?

A. Retaliation and discrimination, yes, it looks like the complaints that I submitted to the EEOC.

Q. I'm going to hand you Exhibit S which appears to be a photocopy of a screen shot of a computer perhaps.

M. BOVELL

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(Handed)

Q. Can you describe what Exhibit S is?

A. S is -- these are pictures off the police department -- off my arrest record, some of the arrests that I had -- arrested other suspects, that is. It has my officer ID 0364, it has the name of the suspects I arrested, case number and the year and date.

Q. That documentation, Exhibit S, goes along with your complaint regarding the performance evaluation; is that fair to say?

A. I believe so, yes, it looks that way.

Q. That's your back up documentation saying your arrest records are more accurately reflected as on those computer screens?

A. These are some of the documents.

Q. I'm going to show you what's marked as Exhibit Y which appears to be a one page handwritten list.

M. BOVELL

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(Handed)

A. Okay.

Q. What is the significance of that? First of all, do you recognize that?

A. Yeah, it looks like something that I submitted; some of the arrests made by myself during field from January 15th, 2014 through March 8th, 2014.

Q. What does that list represent or what does it pertain to?

A. This represents some of the suspects that I arrested during my course of, I believe, FDO training.

Q. Does that have anything to do with any part of your Complaint, meaning does that --

A. Well, it does. It does indicate the timeframe which is my evaluation period.

Q. So, that pertains to the performance evaluation that you appealed from?

A. Yes, it has significance to my performance evaluation.

M. BOVELL

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Q. I'm going to show you, I believe, some news articles perhaps. I think it's Defendant's Exhibit Z and Defendant's Exhibit AA which are bated stamped.

(Handed)

A. Okay.

Q. What is the significance of those articles?

A. These are some of the arrests that I've made during my first time in the narcotics unit, exhibits these arrests to the quality of life in Mount Vernon as far as stopping crime in the City of Mount Vernon.

Q. Does that pertain to any particular charge or allegation in the Complaint?

A. Yeah, it signifies my productivity during the course of my tenure and my evaluation and also obtaining my gold shield, that there was never a problem with my productivity, why I should have obtained my gold shield in that 18 month period of

M. BOVELL

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time.

Q. I'm going to hand you Exhibit W which is a one-page document which I believe is bated stamped.

(Handed)

A. Okay.

Q. Do you recognize that exhibit?

A. Yes, it looks like an email.

Q. What is the significance of that email?

A. That also is the case that I had during my time in narcotics that we worked with the DEA task force to bring in one of the PCP dealers in Mount Vernon that I was very instrumental in and I worked with some of the people, my co-workers in the narcotics unit.

Q. Is Detective Antonini one of the people that is commended on that email?

A. He was part of the unit at the time. I don't see him being commended. I see him being copied on that email.

Q. Were you commended on the email?

M. BOVELL

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2 A. Yes, it says great job with
3 your work with MVP narcotics units
4 especially PO Bovell on this case. Keep it
5 rocking guys. I presented the case. We
6 worked on it together and being that the DEA
7 had more authority, more pull, more
8 influence and they executed the case with my
9 help.

10 Q. I'm going to hand you Exhibit X
11 which I think is a three-page document which
12 appears to be bate stamped, as well.

13 (Handed)

14 A. Okay.

15 Q. What is the significance of
16 that document?

17 A. This shows pertaining to the
18 document you just showed me with the arrest
19 of PCP, one of the biggest drug dealers in
20 the city. We worked with the DEA task
21 force. It basically indicates the arrestee,
22 what was the drugs that was recovered and
23 the participants and so forth.

24 Q. Exhibit X is related to Exhibit
25 W which is the email?

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M. BOVELL

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A. Yes, it appears that way.

Q. Did you incur any adverse job actions or adverse employment opportunities because of the performance evaluation or the amended performance evaluation?

THE WITNESS: I don't understand.

Q. Did you lose out on any opportunities, a promotion, a reassignment, were you disciplined or otherwise treated adversely?

THE WITNESS: As a result of?

MR. SWEENEY: The performance evaluation.

THE WITNESS: As a result of Sergeant Wuttke -- what does that mean?

MR. SWEENEY: Well, Sergeant Wuttke is the one that generated the performance evaluation and the amended performance evaluation.

THE WITNESS: Okay.

Q. My question to you is: Did you sustain any adverse job action, a loss of an

M. BOVELL

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2 opportunity?

3 A. Oh, yes, definitely yes. As a
4 result of his actions, there's more
5 continuous abuse against me, retaliation by
6 the administration. As Lieutenant Gallagher
7 said to me, he pulled me in his office and
8 subsequent to the meeting me appealing the
9 evaluation that -- and sending that email,
10 he said when I do things like this I become
11 a target, so I became a target for the
12 administration. I was no longer with the
13 blue wall. I was going against the grain.
14 So, with that, any opportunity given they're
15 going to retaliate against me. So, yes, as
16 a result of Sergeant Wuttke's actions, I did
17 receive an adverse action as a result which
18 is one of which is to be taken off the Con
19 Ed list, you know, I was taken off the Con
20 Ed list for no apparent reason, you know, as
21 a black officer -- other black officers from
22 what I reported are taken off the Con Ed
23 list, you know, because administration or
24 service supervisor just don't like them.
25 So, yes, I definitely received adverse

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action and as a result I'm in the
predicament that I'm in.

Q. Do you know if any white
officers got taken off the Con Ed list?

A. I have no knowledge of that,
no, but I know that black officers were.

Q. But you don't know of any white
officers that were?

A. No, not at that time.

Q. Your complaint at Paragraph 104
says in May of 2014 Lieutenant Gallagher had
this conversation with you about you
becoming a target?

A. Around that time we had a
meeting, you know, I was in the office and
he called me in.

Q. Was Lieutenant Gallagher your
superior at that time?

A. He's a lieutenant at the desk
so he's superior in patrol, he's superior
officer at that time.

Q. So, he was in the chain of
command at the time?

A. Yes, at that time, on that

M. BOVELL

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particular day.

Q. And that conversation happened in his office?

A. Well, in the patrol -- not the patrol office, at the desk, I guess his office, of course, at the time right -- it's right next to the dispatch office.

Q. I'm going to show you Exhibits D and E which relate back to your time in the detective bureau under Sergeant Fegan.

(Handed)

A. Okay.

Q. Do you recognize Exhibits D and E?

A. Exhibit D looks like you're directed to submit MV-5 addressing the following issues; Exhibit E is MV-5 responding to his request.

Q. What were the circumstances surrounding the order to produce an MV-5 and your MV-5 --

A. Exhibit D, that was a request -- the dates are wrong, first of all. This should be 2014, so he had the date incorrect

M. BOVELL

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2 and I subsequently followed and had my date
3 incorrect.

4 Q. So, those two documents are
5 generated in 2014?

6 A. In 2013 I was still in
7 narcotics. This was when I asked out of
8 narcotics the last time under Sergeant
9 Fegan. So, the reason for this was during
10 that time later that year when I asked
11 prior, a little before I asked the narcotics
12 unit supervisor, Sergeant Fegan, I had a
13 case involving this suspect, [REDACTED], I
14 believe. Sergeant Fegan, now that he has
15 established that my position with his
16 student, Antonini, he did not find me
17 favorable at all. In other words, he did
18 not trust me. So, it's safe to assume when
19 you do bad things you expect bad things from
20 others. He felt that I was somehow -- this
21 only states that he felt that I was somehow
22 hindering the investigation which was my
23 investigation and I did everything possible
24 and he felt that I was hindering the
25 investigation and was upset about me leaving

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1 the unit. So, I did everything properly. I
2 cleared out my desk, I returned the
3 department phone and he, you know, he wanted
4 information about the CI's. I told him, you
5 know, the information's in the folder. All
6 the information is there. He was upset that
7 I left the unit and I was an asset to the
8 unit based on my resources and my ability so
9 this was his way of retaliating and using
10 his power, exercising his power demeaning of
11 me.
12

13 Q. How did he retaliate against
14 you?

15 A. Well, first I was called into
16 the office with Lieutenant Olifiers who's
17 sitting in front of us right now, Lieutenant
18 Olifiers is present and he gave this
19 document to the patrol unit supervisor at
20 the time and Sergeant Fegan is in narcotics.
21 He gave him the document and while Sergeant
22 Fegan was present he said I should answer
23 this. It was given to me just like this
24 without an envelope and he said I should
25 respond to it. I asked, "What is this? I

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told you everything. I didn't do anything. During my time there I did everything correct." Even the times when Sergeant Fegan, at times we will be working cases and being productive and we were taken off cases by Lieutenant Fisher because, you know, for whatever reason. Even then I was still -- knowing I was leaving the unit, I was still productive and I was giving less to my fellow officers so I didn't understand this. It seems as if I was disingenuous and I was hindering the progress or my ability so I asked him why, what is this and we had a discussion about this. I told him the information is in the CI folders so he felt that I was doing dirt as he's doing dirt and Antonini is doing dirt and when you do dirt you expect dirt. You don't think that people are like you, so this is what this is. I submitted -- I completed the MV-5 in a timely manner. It's dated wrong because as you can see just like the vehicles in the Mount Vernon Police Department the time machine doesn't work, you know, a lot of

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1 things are not accurate. So, I use time
2 machine which says November 30th, you know,
3 it isn't inaccurate and I -- Lieutenant
4 Olifiers directed me to put it in a nice
5 envelope for Sergeant Fegan which I did and
6 respectively submitted my response which is
7 evidence C.
8

9 Q. As I understand from reading
10 your MV-5 it appears that the CI information
11 had been deleted by you the first time you
12 thought about leaving the detective bureau?

13 THE WITNESS: The first time?

14 MR. SWEENEY: Yes.

15 A. No, that's not the first, this
16 is the last time and the CI information was
17 not deleted by me. This is indicating that
18 I have a work phone. What was happening is
19 that based on experience we were using a
20 personal phone to contact CI's which was not
21 favorable and unfortunately at the time,
22 early in the time in the narcotics unit we
23 weren't given departmental phones
24 unfortunately so we're supposed to interact
25 with CI's. We were supposed to use personal

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1
2 phone so that became an issue. Over some
3 time I guess we were able to pull some
4 resources and we were given departmental
5 phones so we can separate or personal life
6 with our professional life and not have it,
7 you know, intertwined in the event that a
8 warrant for your phone record is requested.
9 So, when I received first the department
10 phone as again it wasn't assigned to me at
11 the time, it was someone else and it was
12 empty. I noted every information, all the
13 phone numbers in my phone in the CI folder
14 so I returned the phone the same day I was
15 given the phone. I was not given a phone
16 with other people's CI information so I
17 returned the phone and I told Sergeant Fegan
18 that the information is in the CI folder.
19 If the CI wants to work with you you're
20 going to control it, than fine, you know, so
21 during this time, this is when Antonini was
22 -- and before Antonini was taking CI's from
23 other officers and coercing them and telling
24 them, you know, basically lying to them,
25 persuading them to work with him. So,

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Antonini was telling my CI's not to mess with Bovell because Bovell is a bad cop, you should work with me. He would intimidate these CI's to work with him because Antonini wanted to vent and Sergeant Fegan wanted all the rest in the world. They didn't care how they got it. They wanted to arrest everybody.

Q. Following your injury, your line of duty injury which was July in 2014; is that right, the date?

A. September of 2014, about September of 2014.

Q. You were approved for General Municipal Law 207c benefits or do you know if you were approved for 207 benefits?

THE WITNESS: 207c, that's the benefits you get as a police officer when you're injured on the job?

MR. SWEENEY: Yes.

THE WITNESS: Which include compensation of salary and also medical benefits?

MR. SWEENEY: Yes.

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1
2 A. Yes, I received a letter at
3 some point in time from Goldman, from -- I
4 don't know if he was Captain Goldman or
5 Chief Goldman at the time because I know he
6 was [REDACTED] [REDACTED] but I received a
7 letter indicating that I was approved for
8 the on duty benefits as a police officer
9 under Civil Service law.

10 Q. And you received your full pay
11 without taxes since September of 2014?

12 A. Since September 2014, yes.

13 Q. Is there any points where you
14 did not receive your full pay without taxes
15 after September of 2014?

16 A. Yes.

17 Q. When was that?

18 A. There's a point where -- there
19 was a point where in 2014 -- no, wait -- oh,
20 yeah, in 2015 I took vacation. I took some
21 vacation time to get out of the house and
22 that was deducted from my pay right after I
23 filed a lawsuit, yes.

24 Q. You took vacation and your
25 vacation days were deducted from your 207

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payment?

A. It was taxed, that's correct.

Q. Is there any claim that that was unlawful that you got charged vacation that you took?

A. Well, I was told that it shouldn't have but other than that, you know, other than that, I don't know.

Q. Have you grieved that vacation being charged?

A. I've been grieving a lot of things. I've been under a lot of pressure and a lot of stress. Again, I'm still out injured so I'm not there to communicate and to go through the grievance process. I'm dealing with my injury, I'm dealing with recovery, I'm dealing with keeping my benefits. I've been busy with my attorney so I've been busy with those things, you know, I've been very busy trying to deal with healing from my injury.

Q. What is your current status with respect to your knee injury? You had one knee surgery and your doctor recommended

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a possible second surgery?

A. I had one knee surgery in 2014 subsequent to the incident where I had slipped when I arrested a suspect and the doctors went in and they realized that there are other things happening in my knee. Because it's Workers' Comp and everything is procedure, they have to get approval and have the equipment ready. After that initial surgery in 2014 a request was made for the second surgery. During that time the request was made and submitted during the time of my Complaint for the EEOC. Things were delayed, the department delayed in approving. Eventually it was approved but I had to go through a series of harassment from the job in order to gain that approval and this third-party company called Disability Management, so I got that approval eventually after receiving that abuse and harassment and then I did the surgery, you know. The day after I did the surgery I got more harassment, you know, I just couldn't recover. I couldn't even --

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1 my plan was to do the sergeant test. I
2 couldn't even focus but I came in to do the
3 sergeant test and I did my best effort on
4 medication even though I got a failing grade
5 at 60% but my plan was to do well but I
6 couldn't study. I stayed focused. I just
7 did the surgery, a surgery that could have
8 been done earlier and I couldn't prepare
9 myself because of the stress that I was
10 going through. So, I did the surgery and I
11 had a few weeks of therapy and subsequently
12 therapy was stopped. So, for the surgery I
13 did, I did not have access to the therapy
14 needed to recover in a timely manner because
15 it was terminated by Mount Vernon Police
16 Department under Sergeant Goodman. I don't
17 know if he was Deputy Chief Goldman at that
18 time and Commissioner Burke and Commissioner
19 Raynor.
20

21 MS. BELLANTONI: Are you done
22 with your answer?

23 THE WITNESS: I am.

24 MS. BELLANTONI: I want to ask
25 you a question.

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Can we just take a brief two
minute break?

MR. SWEENEY: Sure.

(Whereupon Ms. Bellantoni and
the witness exited the room.)

Q. Officer Bovell, as I understand
it, you were provided a notice that your
207c benefits would be terminated based on
your alleged non-cooperation with the city;
is that fair to say?

THE WITNESS: I don't
understand. Could you clarify?

MS. BELLANTONI: I'm sorry, the
city or Disability Management?

MR. SWEENEY: Disability
Management which is an agent of the
city.

THE WITNESS: Repeat that
again.

Q. Is it fair to say that you
received notice from the city that your 207c
benefits were going to be terminated based
on your alleged non-cooperation with
Disability Management Association?

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1
2 A. My 207c partially was
3 terminated, yes. It was terminated.

4 THE WITNESS: At what point in
5 time are you referring to?

6 MR. SWEENEY: This would have
7 been in 2000 -- per your Complaint, I
8 think you alleged it was in June or
9 so of 2015.

10 A. In June I received numerous
11 amount of communication threatening that my
12 -- from Deputy Chief Goldman at the time and
13 Lieutenant Nawrocki threatening that my 207c
14 benefits were going to end. There were a
15 tremendous amounts of communication which
16 were actually sent to my home by Detective
17 Francis and Lieutenant Olifiers so I don't
18 know which one you're referring to.

19 Q. We have a lot of documents and
20 a little bit of time so I can mark some
21 documents to help expedite this.

22 A. Including phone calls, anything
23 I got from Lieutenant Nawrocki that my
24 benefits are going to be terminated.

25 MR. SWEENEY: Off the record,

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please.

(Whereupon, a discussion was
held off the record.)

MR. SWEENEY: After
consultation with your counsel,
Officer Bovell, I think the parties
agree to suspend your deposition for
today and we'll resume it on a
different date for the balance of the
questions which should not exceed two
hours.

THE WITNESS: Okay.

MS. BELLANTONI: Is that all
right?

THE WITNESS: Yes, that's
perfectly fine.

(Whereupon this examination
concluded at 3:26 p.m.)

MURASHEA BOVELL

Subscribed and sworn to
before me this _____ day
of _____, 2016.

Notary Public

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, LISA DOBBO, a Shorthand
Reporter and Notary Public within and for
the State of New York, do hereby certify:

That MURASHEA BOVELL, the
witness whose deposition is hereinbefore set
forth, was duly sworn by me, and that such
deposition is a true record of the testimony
given by the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no
way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 25th day of
October, 2016.

LISA DOBBO
SHORTHAND REPORTER

EXHIBIT PAGE

<u>Defendant's Exhibits</u>	<u>Description</u>	<u>Page Number</u>
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B	MV-5 Officers Report	04
C	MV-5 Officers Report	04
D	Letter dated 1-9-13	04
E	MV-5 Officers Report	04
F	Email dated 3-31-14	04
G	MV-5 Officers Report	05
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ERRATA SHEET

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on 10/21/16:

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MURASHEA BOVELL

Subscribed and sworn to
before me this____day
of_____, 2016.

Notary Public

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